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A SCOTS BIOGRAPHY

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SPOTTISWOODE AND CO., NEW-STREET SQUARE
LONDON

CLAVERS

THE DESPOT'S CHAMPION

A SCOTS BIOGRAPHY

BY

A SOUTHERN

LONDON
LONGMANS, GREEN, AND CO.
AND NEW YORK : 15 EAST 16th STREET
1889

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PREFACE

TWO HUNDRED years have elapsed since there fell in the moment of victory, on a Highland battlefield, the wearer of nearly the most short-lived title in his country's peerage. So brief was the interval between creation and attainder of his dignity that it is little wonderful he should be better known by an earlier territorial appellation. Both title and cognomen have been appropriated already by his biographers; and for this reason a descriptive phrase from a well-known passage of verse relating to his deeds has been chosen for the heading of this volume.

Ever since Sir Walter Scott drew attention to the character of Claverhouse, the subject has given rise to controversy quite out of proportion to its historical importance. Mr. Napier, who filled three volumes, has justly said that a single page of general history might have sufficed had misrepresentation never existed; but Mr. Napier, with all his research, failed to terminate discussion. He supplied materials, however, of which others interested in the subject have gratefully availed them-

selves; and the present compilation is, in effect, but one more rearrangement of evidence chiefly collected by that biographer. It pretends to no sort of originality save in the grouping and combination of passages from nearly contemporaneous writings, some of which Mr. Napier too much despised.

Since its aim is in no way to produce a popularly readable narrative, but solely to elucidate verities so far as is practicable, the present volume is offered to those few students of Scottish history whom tedious details will not deter from once more endeavouring to decide how far the name of Viscount Dundee ought to be cleared from stain or indelibly branded.

July 27, 1889.

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ADDENDA.

To page 6. John Grahame, of Balargus, mentioned as second son of Sir Robert Grahame, was born of a second marriage; his mother being daughter to the Earl of Angus, and descended, like her husband, from the Princess Mary.

Margaret Bethune, or Beatoun, wife to the first Grahame entitled of Claverhouse, was a sister of Cardinal Beatoun.

To page 9. The date of Viscount Dundee's birth, left doubtful within a range of six years, may now be restricted within two. A letter from the Earl of Angus to the Laird of Guthrie, July 5, 1651, alludes to a 'plea with Claverhouse'—'the only man in these parts that I think myself farthest behind with' (Second Report, Hist. MS. Commission, App. p. 198). The Laird of Claverhouse, therefore, in July 1651, was not a minor. Consequently Sir W. Grahame must have been then living, and his heir could not have been born earlier than 1647.

To page 162. An Elegy printed in Maidment's Analetica Scotica is slightly noticed by Mr. Napier. Its style is absurdly inflated, yet it unequivocally characterises the Viscountess of Dundee as high-spirited, courageous, and enthusiastically sympathetic with 'her once consort's' Royalist devotion. Another effusion presents her spirit at the threshold of a new existence, welcomed as 'My chief delight! the object of my care both day and night!' by 'her first husband' in character of a guardian seraph.

To page 184. The Earl of Perth wrote from London, in December 1685, concerning Queensberry: 'What grates his soul the most is that Claverhouse has got back that monye he made him pay when in the hight of his picque, which my brother has calculate so as to bear anual rent upon anual rent.' (Eleventh Report, Hist. MS. Commission, App. Part 6, p. 169.) Queensberry and Clavers were both at Court when this was written; so that the King could not fail to be fully informed when he 'ordained' repayment. Compound interest on the sum returned is a proof that 'the forfeited possessions' Clavers had been 'compelled to disgorge' were possessions the Crown officers had unjustifiably required from him. In all likelihood they were sums which had been, by anticipation, expended in the Government's service; and it is no less likely that money so spent forms part of the whole amount, £1,125 ster. (see p. 244), exacted by Clavers in Galloway.

CORRIGENDA.

At page 240. In place of 'James's Private Secretary,' read 'Keeper of the Privy Purse.'

At page 254. The term 'perjured,' used by an anonymous writer, was inadvertently attributed to Lord Macaulay, who does not use it.

CLAVERS

THE DESPOT'S CHAMPION

CHAPTER I

A.D. 420—1672

Ancestry—Supposed date of birth—Legend of the toad and Highland nurse—College education—Portraits and sobriquets

Across the breadth of Scotland, between the Firths of Clyde and of Forth, Roman prudence extended ramparts, partly of masonry, part earthwork, to protect civilised tributaries from wilder tribes beyond. Traces of this line of fortification may still be discerned, and are locally known as 'Graham's Dyke.'

Philologists incline to deduce the appellation from roots conveying ideas of formidable strength—in fact, of Grimness, remembered in the aspect of Rome's visible menace to barbarians. Legend has accounted for it otherwise. Romanised Britons, from their vantage height upon the wall, showered darts and missiles on those who attempted to scale it, and thus repelled every assault, until, in the year 420, the minority of a Scottish king placed a Regent of Scandinavian connec-

57

tions in temporary command of Scots and Picts united. His forces advanced to the wall with hooks attached to their spears, and entangled them in the belts or clothing of the defenders, whom thus they dragged down into the fosse and slew easily. The Regent's name, Gram, Graeme, or Grim, was consequently bestowed upon the rampart he had been first to overpass. 'Gram' is said to have signified in Danish 'a leader;' but when the light in which Danish leaders ordinarily presented themselves to inhabitants of Britain is considered, there is small reason for rejecting on that ground the simple Saxon derivation of 'Græme' from 'Grim.' The present subject of biography has at least borne a popular reputation which does not belie his descent from warriors so entitled.

It is true that no man ought to suffer even in public estimation for the sins of his fathers; yet are there instances in which racial characteristics are so strongly marked for good and evil that appreciation of an individual is much helped by acquaintance with his predecessors. The first authentic mention of a Grahame is in the reign of David I., when William de Grame was one of the witnesses to the foundation of Holyrood Abbey. Thenceforward the family can be traced in unbroken succession. Sir Patrick was slain at Dunbar, 1296. Sir John Grahame, slain at Falkirk, was the companion and friend of Wallace, and was reckoned second only to that great guerilla leader himself. Sir David adhered zealously to Bruce. His grandson, Sir Patrick of Dundaff, was one of the hostages for David II.'s ransom after the battle of Durham. His heir, William, Lord of Kincarn, was ancestor to the line of Montrose. Another son, Patrick, married Muriel, daughter to David Stuart,

Earl of Stratherne, a son of Robert II. by his second queen, Euphemia Ross. This union with royal blood produced a junior branch, to which future allusion must be made on account of Claverhouse's concern with its fortunes.

About the date of this Sir Patrick, though perchance not of the same man, Wyntoun relates a striking anecdote. Henry of Lancaster held jousting at Berwick with Scottish knights. On the second day arrived from the Continent a certain Sir Patrick Grahame, and wounded Sir Richard Talbot, an English baron, an inch deep in the chest through two breastplates that he wore. Had he worn one only, according to custom, he must have been killed. At supper that night another Englishman challenged Grahame, who replied, 'Dost thou seek to joust with me? . Rise early in the morning, hear mass, and confess your sins.' When, next day, their duel came off, the English knight was run through the body and killed on the spot.

William, Lord of Kincarn, married twice; his first wife being mother of his heir, while his second connected his younger sons, like their cousins, with royalty. Mary, daughter of King Robert III., and widow of George Douglas, Earl of Angus, brought him four sons, whose descendants founded several families, and bore on their escutcheons a 'double tressure counterflory gules,' being part of the royal arms of Scotland. Grahame of Balgowan, Lord Lynedoch, the victor of Barossa, represented one of these branches.

On William of Kincarn and his descendants rests no taint of disloyalty; but his collateral relatives exhibited, in a tragedy with which it has been justly said few stories in history compete in horror, the solitary

dereliction from allegiance which ever stained the Grahames. Provocation enough must at least be admitted to account for, though not to excuse, their action. When James I. determined to destroy his kinsmen of Albany, who, however guilty of usurping his authority, had not themselves initiated the usurpation, and had voluntarily terminated it, one of their adherents, whom he had earliest imprisoned in order to paralyse defence, was Sir Robert Grahame. That imprisonment ended when Duke Murdoch and his sons had perished. After Earl David of Stratherne was dead, Patrick Grahame assumed the title of Stratherne in right of his wife, and its appanage as her legal inheritance, which indeed it is asserted to have been. At his death, his son Malise was but six years of age. James had already strained the law in pursuit of his plans for weakening the power of the great nobles, and he now claimed Stratherne as a male fief, conferring on the despoiled minor, by way of exchange, a new earldom, Menteith, with possessions far inferior. Sir Robert Grahame, the boy's uncle, 'a man of great wit and eloquence, wonderfully subtle and expert in the law,' appealed in Parliament against the wrongs of his nephew and his order.

Approaching the royal seat at the close of his denunciation, he exclaimed, laying his hand upon the king, 'I arrest you in the name of the three estates of your realm here assembled in Parliament, for as your people have sworn to obey you, so are you bound by your oath to keep your people and to govern by law, so that you do them no wrong, but in all right maintain and defend them.'

Two centuries later, in January 1649, an echo of

this bold challenge rang in Westminster Hall. It rang then in the ears of a defeated and helpless monarch, and was uttered by men who had no more to fear from him. In 1436 things went otherwise. The barons who had promised to support Grahame were so confounded at his temerity that they allowed him to be hurried to prison. His estates were confiscated, and he was banished the court. That freedom should have been restored to him is extraordinary. He followed up his defiance by a letter to the king, in which he renounced his allegiance, and declared he would slay the tyrant as his mortal enemy if ever he could find opportunity. How he carried out his threat at the Dominican monastery in Perth, notwithstanding the heroism of Catherine Douglas and the shrieks of the queen, Joan Beaufort, who would have perished likewise had not young Grahame defended her, crying, 'She is but a woman!' all this is too familiar to need recital. Less known, perhaps, is his audacious assertion to the very last that he had right to act as he had done; 'having renounced his allegiance under his hand and seal, and defied the king as his mortal enemy, it was lawful to slay him wherever they met; and if they did him justice they would allow him to go free, seeing he did no wrong.' Amidst tortures more frightful, because more protracted, than those of Ravaillac, and when human nerve could endure no more in silence, he cried still, 'This have ye done to me only by rigour of immeasurable tyranny!'

In James, Marquis of Montrose, eighth in descent from William of Kincarn's first marriage, culminated the glories and misfortunes of the elder family. Robert Grahame, of Strath-carron, son to the Lord of Kincarn

by his Stuart princess, was father to Sir Robert Grahame of Fintry in Angus. Here another offshoot diverged, John, second son of the last-named Sir Robert, becoming possessed of the lands of Balargus, and his son John obtaining those of Claverhouse, about four miles from Dundee, in a fertile valley watered by the Dichty burn. A few stones only at the present time remain at Claverhouse to mark the site of the old mansion, in a situation not particularly romantic, circumscribed by low hills and nearly surrounded by brooklets. It is a centre of industry now; and acres around are covered by bleaching frames for linen.

John Grahame of Balargus married Marjory, daughter of Sir James Scrymgeour, Constable of Dundee. His successor took to wife Margaret Bethune, of the celebrated family so named in Fifeshire. A third John their son, espoused Anne, daughter of Robert Lundin of Balgonie in Fife. He died in 1580; so that one of these three Johns must be the Laird of Claverhouse who, in concert with other partisans of Queen Mary, made an attempt to surprise Lord Lindsay of the Byres; although the House of Montrose adhered throughout to the Regency. Sir William Grahame came next in succession. He acquired lands and a fortalice at Claypots, and married Marion, daughter to Fotheringham of Powrie. He had two sons, George, his heir, and Walter, ancestor to the family of Duntrune. He was one of the curators or guardians of the first Marquis of Montrose; also a representative of the county in the Parliament of 1633. He died in 1642. George, his heir, died two years later, and was succeeded by another Sir William, who married Jean Carnegie, daughter to John, Earl of Ethie,

afterwards Northesk, and became father to the future viscount.

1643—the year, as observers of coincidences remark, of the Solemn League and Covenant—is commonly given in biographical notices of Viscount Dundee as the year of his birth. But the passage in Fountainhall's 'Decisions' relied on to indicate that date does so very uncertainly; and, as will be shown, other reasons render a later year more likely. Fountainhall shows that a customary toll paid by every fishing boat that passed Broughty Castle was, in 1687, disputed by Claverhouse, both in the interests of the town of Dundee, of which he was Constable, and for his own tenantry and neighbours. Against the township the owner of Broughty proved his right, having possessed it forty years. It is added, however, 'As for Clavers, he was seventeen years of these forty a minor, and so they must prove forty years before that;—likeas there were other interruptions.' This has been justly understood to signify that Clavers could not have come of age till seventeen years after the commencement of a period of forty years counted backwards from 1687, and therefore could not have been more than four years old in 1647. Accordingly 1643 has been determined on for his birth. No such conclusion necessarily follows. What was proved by his seventeen years' minority was an interruption, owing to a minor's legal incapacity, of that acknowledgment of customary dues, forty years of which would constitute obligation to continue them. Had his father survived during those seventeen years, no interruption by minority would have existed; if during any part of them, it would have been recorded by a smaller number than seventeen. But his father did not neces-

sarily die in 1647, exactly at the beginning of the forty years. He might have died, for all the legal admission proves when taken by itself, only seventeen years ago; and the Laird of Claverhouse in 1687 might have only just attained twenty-one. That he was four years old when his father's death rendered him a representative of the lairdship charged with certain fishing dues is all that can be apprehended from Fountainhall's entry.

Of Sir William Grahame's death no date has yet been found; neither has the order of succession in which his children were born been ascertained. There were three daughters; of whom Elizabeth married in August 1671 Robert Davidson of Balgay, grandson of the Bailie of Dundee who fell sword in hand at the defence of his town when it was stormed in 1651 by Monk. She had twelve children; the eldest was eventually knighted. Margaret married Sir Robert Grahame of Morphie, in the shire of Mearns, representative of an older branch of the Grahames than her own. She had at least one son;[1] and, when his estates were ruined by adherence to a falling cause, she is said to have defeated all attempts to enforce their forfeiture during her lifetime. Anne, who appears to have been the youngest, married Peter Young of Auldbar, whose father, like Davidson of Balgay, from a prosperous merchant had become a landowner. The future Viscount of Dundee had one brother, David, whose existence aids in guessing approximately at the date which should replace 1643. Unless the boys were twins, David must have been junior by a year at least. Had the difference been very much greater, it is unlikely that the elder would have been allowed to put off his

[1] He married a daughter of Philip of Almryclose.

own college education for the sake of his brother's company. Thirteen was the age at which Jeremy Taylor entered Caius College, Cambridge, and, although doubtless he was a precocious scholar, fourteen seems to have been a very usual age for matriculation during the seventeenth century. John and David Grahame matriculated together at St. Leonard's College of St. Andrews on February 13, 1665, the year of the Great Plague. February being the second month of the year, it may be supposed that David attained his fourteenth year at least some time in 1664. Accordingly 1649 may be taken as the latest probable date for the birth of his elder brother, as 1643 is absolutely the earliest possible. Six years lie between, any one of which may be proved the right one, if evidence concerning Sir William Grahame's death should ever be forthcoming; for, whenever that event took place, his heir was certainly but four years old at the time. It may be observed that twenty-two would be so exceptionally late an age for matriculation at college, that any subsequent year of these six is likelier than the first.

Montrose's execution in 1650 cannot fail to have been, for the infant laird's imagination, a nursery tale of horror;, and he might well remember, as an actual vision of childhood, skies crimsoned by distant glow of fire when Dundee was subjected to three days' sack by Cromwell's general, Monk, and neighbours, gentle and simple, perished in indiscriminate massacre. That fair seaport town had declined the questionable compliment of a limb from Montrose's quartered corpse which had been offered to adorn its gateway; but twenty miles away that severed member surmounted an arch at Perth during most of Claverhouse's boyhood. One story of

his earliest years alone survives, and that an apocryphal one told already of the Regent Morton, that he had when a child eaten a toad 'all but the legges.' It is added, however, of Claverhouse that 'his Highland nurse,' hearing that the remains of the creature had been taken from him and thrown away, exclaimed, 'You have marred my child in the midst of his glory!' Probably the toad belongs to Morton, though the Dichty burn might furnish plenty of its kind; but the Highland nurse may well be real enough, and may account for Dalrymple's statement[1] that Viscount Dundee in 1689 flattered his Celtic warriors by his knowledge of their genealogies and recited verses of their bards. Ignorance of Gaelic has been too hastily assumed for him.

What other learning he acquired in youth there is little evidence to show. Sir Walter Scott drew attention to his spelling as 'like a chambermaid's.' It was passably like that of his friend Sir George Mackenzie, Lord Advocate, one of the most cultivated scholars of his age, though it may be granted that both, from reasons connected with local dialect perhaps, fall in this respect a little below the level of their educated contemporaries. His handwriting was clear, and his style no less so; as a number of concise letters, some of which will be hereafter quoted, sufficiently manifest. Three slight notices by nearly contemporary biographers are all that remain concerning his college life.

Collier, a Jacobite non-juring bishop, continued Moreri's Dictionary to 1705. Under his auspices, if not by himself, was written an article on Dundee, the earliest lines of which tell how he was 'educated in the

[1] *Memoirs of Great Britain*, 1773.

University of St. Andrews, where in his minority he was admired for his parts and respect to Churchmen, which gained him the favour of the archbishop of that see, who ever after loved and honoured him. When he grew to maturity he went over into Holland,' &c. This writer did not imagine him to have been of age ere he entered college.

A memoir of the Viscount Dundee by 'an Officer of the Army' was published with other matters in 1714 by some Tory pamphleteer, who attributes to him the 'happy advantages of an hereditary loyalty and a liberal education in humanity' (a term then signifying classical learning as opposed to theology) 'and the mathematics, in which he made a very considerable progress.'

Drummond of Balhaldy, grandson or great-grandson of Sir Evan Dhu Cameron of Lochiel, wrote that chieftain's memoirs before 1730. His relatives must have known Claverhouse personally, and he has recorded many curious traditionary particulars to be hereafter noticed. He says, 'There was no part of the *belles lettres* which he had not studied with great care and exactness.' Elsewhere he thus describes him about the time when he 'passed over into Holland:' 'He was then an esquire by the title of John Grahame of Claverhouse, but the vivacity of his parts and the delicacy and justness of his understanding and judgment, joined with a certain vigour of mind and activity of body, distinguished him in such a manner from all others of his rank, that though he lived in a superior character, yet he acquired the love and esteem of all his equals, as well as of those who had the advantage of him in dignity and estate.'

Transparently partial as are these eulogies, there is

nothing to set against them. Neither is there anything on the part of his enemies to be added; a coarsely decisive sentence by a Covenanting writer, Patrick Walker, which proves Claverhouse's distaste for the vices of a profligate age, has been quoted occasionally in reference to his early youth, but pertains properly to his riper manhood.

One of three original portraits of him known to exist represents a man so young-looking that it is difficult to believe with his modern chief biographer, Mr. Napier, that it was necessarily painted on the Continent, after his military career had commenced. Armour indeed is worn; yet it is easy to imagine the young prospective soldier donning an ancestral corslet and shoulder-plates. Even were he born so late as 1649, he could not have been under twenty-three when his first opportunity of martial service occurred; and the 'Leven' portrait looks eighteen. It was exhibited at South Kensington in 1867, and engraved in the *Illustrated London News* that year. Sir Walter Scott's study was adorned with a water-colour copy of it, now at Abbotsford and much faded; the eyes appearing blue rather than hazel, as Scott describes them. Another portrait, at Duntrune, has eyes of that peculiar shade of hazel in which dark grey prevails rather than brown. Each presents straight features, a small mouth, arched brows, and full lustrous eyes, thoughtful in expression; a face saved from effeminacy by firmly moulded cheek and chin. Cavalier locks stream profusely, according to the fashion of the day, over the shoulders, and may be natural, since Mr. Robert Chambers in his 'History of the Rebellions' mentions a tradition 'at only two removes' that he curled them by wearing them in

'leads.' They are chestnut-brown in the earlier portrait; but in the second they are dark enough to justify his Highland title, 'Ian Dhu nan Cath,' Black John of the Battle.

'Bonnie Dundee,' popularly supposed to be his traditional sobriquet, is a term traditionally appropriated only to the town whose lively local music Sir Walter Scott pressed into the service of his hero. He so adapted it on authority of portraits alone; for it happens that the sole contemporary allusion to Claverhouse's personal appearance is a disparaging one. The testimony of 'that glorified martyr,' Mr. John Dick, who was hanged March 5, 1684, describes each of the leading persecutors by some predominant characteristic, showing how little their best-loved attributes would avail them at the Day of Judgment:—

'As for that bloodthirsty wretch, Claverhouse, how thinks he to shelter himself in that day? Is it possible the pitiful thing can think to secure himself by the fleetness of his horse? (a creature he has so much respect for that he regarded more the loss of his horse at Drumclog than all the men that fell there, and sure there fell prettier men on either side than himself).' 'Pretty,' in old Scottish parlance, had of course no reference to delicacy of countenance, but applied exclusively to size and robustness of frame—

> We were sixteen pretty men,
> Although we were na bonnie,

sing the gipsies in a well-known woful ballad. Possibly Mr. Dick's sneer suggested Sir Walter's description of Claverhouse, since universally accepted, as 'rather low of stature' and 'slightly made.' Certainly

there is nothing either in his aspect or his career that would indicate his being impelled by stalwart muscle and superabundant animalism to deeds either of chivalrous bravado or of brutal ferocity.

His actual traditional title during nearly two hundred years has been 'The Bluidy Clavers.' Imperfectly successful endeavours have been made during the last half-century to relieve him from its adjective. Contemporaries spelled his territorial appellation variously—Clavres, Clevres, Clavrose; but an abbreviated form was sufficiently frequent to induce belief that thus was its ordinary sound best represented; and it will therefore be usually employed in succeeding pages. The first vowel is still pronounced long in his native district, as an old spelling 'Claiverhouse' attests to have been the case in his own time.

CHAPTER II

1673–1678

Military service in the Low Countries—Battle of Seneff—Rescue of the Prince of Orange—Return to Britain—Commendatory letters—Life Guards, Horse, and Dragoons

THREE years seems to have been the period allotted to an ordinary gentleman's course of study at St. Andrews. If therefore Clavers quitted the University in 1668, three years more of his life immediately following are unmarked by any recorded incident. In August 1671 his sister Elizabeth was married to Robert Davidson of Balgay; but whether the young laird her brother was present at her bridal does not appear.

His earliest biographer, in Collier's Dictionary, says nothing of any military service in France; but 'an Officer of the Army,' in 1714, asserts that 'to qualify himself for the service of his King and Country, he spent some time in the French service as a Volunteer with great reputation and applause.' Doubts on this matter have been expressed. Perhaps the statement has no other authority than that of the anonymous memoir writer, for Drummond of Balhaldy, though he amplifies 'some time' into 'some years,' repeats his phraseology. A letter written by Clavers soon after entering the Scottish army contains an acknowledgment

that 'till now, in any service I have been in, I never looked farther in the laws than the orders of my superior officers.' Had he been in one former service only, he could scarcely have employed such an expression.

Charles II. of England in 1672 entered into alliance with Louis XIV., and sent Monmouth with a band of gentlemen-volunteers to assist in invading Holland. Churchill was one of these, Hugh Mackay of Scourie another. Maestricht was stormed by them with brilliant daring in 1673. Changes in Holland, and his nephew William's accession to power, induced Charles II. to withdraw from active hostility, and within two years to throw the weight of British influence in favour of the nationality he at first assailed. His subjects were not authoritatively recalled, but were set at liberty to follow their own inclinations and volunteer for whichever cause they might prefer. Churchill remained under Turenne's leadership; Hugh Mackay accepted a captaincy and young Grahame a cornet's commission under William of Orange. Whether actuated by personal or by patriotic motives, they changed sides just when Britain's changing policy and interests rendered it natural that a British soldier should transfer his sympathies.

Within the narrow angle of ground comprised between the Senne and the Sambre, where afterwards occurred the battles of Ligny, Quatre Bras, and Waterloo, Condé encountered William's forces in August 1674. Waged with obstinacy during fourteen hours, the combat had small practical result beyond the slaughter of twenty-seven thousand soldiers, and a Te Deum sung in Paris. Clavers was present; for a poetaster addressed

to him a few years later a copy of verses containing the following lines:—

> I saw the man who at St. Neff did see
> His conduct, prowess, martial gallantry.
> He wore a white plumach that day; not one
> Of Belgians wore a white, but him alone;
> And though that day were fatal, yet he fought,
> And for his part fair triumphs with him brought.

Being dedicated to 'The Right Honoured Captain John Grahame of Claverhouse, upon New Year's Day, 1683,' this is good evidence so far as it goes. It does not, however, go far enough to confirm an incident related at a later time in varying forms, one of which Lord Macaulay took trouble to demolish. It is conceivable that Clavers by no means extended his confidence either to the above flatterer or to his informant in the same measure as to the cultivated gentleman whose testimony next follows. If either of them had possessed any inkling of knowledge on the matter he mentions, allusion to it in the verses could not have been forborne.

A manuscript Latin poem, bearing date on its title-page 1691, called the 'Grameid,'[1] and written by James Philip of Almryclose, in the county of Forfar, a follower of Dundee in the Highlands, represents the Viscount, when pursued by King William's troops, as apostrophising that 'ungrateful' monarch in terms which Mr. Napier thus translates: 'Did not I, when you were retreating on your exhausted charger through the Belgian marshes before the victorious bands of the lily-bearing Frenchmen—did not I myself remount you

[1] Recently edited by Canon Murdoch for the Scottish History Society.

upon my own bounding steed, snatch you from the midst of the foe, and lead you back in safety to your own leaguer? Is this my reward for such a service?'

It should be remarked that the 'ingratitude' charged on William consists in prosecuting Dundee after the Revolution, not in any inadequate recognition of his merits beforehand; also that William's momentary peril and rescue are noways associated here with the battle of Seneff. They may have occurred at any other conjuncture during the three years spent by Clavers in Holland, and thus have been quite unknown to an eye-witness of Condé's barren victory.

The old 'Memoir of Dundee,' 1714, locates the rescue at the battle of 'St. Nuff;' adding that 'His Highness requited this brave action by making him Captain of one of his troops of Guards. This together with his other distinguishing Merits recommended him to the favour of King Charles and the Duke of York.' 'One of the Scotch regiments in Holland becoming vacant, his Interest with the Court of England and the Prince of Orange's promises for services performed, induced him to stand Candidate for the Regiment, which a Dutch interest carried against him. He resented this affront so highly as to leave the Dutch service and return to Scotland, 1677.'

Drummond of Balhaldy, citing the 'Grameis,' and following so far the memoir, gives further particulars: 'The Prince preferred Mr. Collier, a son of the Earl of Portmore, to the Regiment. The Prince then resided at his palace of the Loo; and Captain Grahame, who was absent while this intrigue was carrying on, chancing to meet Mr. Collier in the palace court, expostulated the matter in very harsh terms, and gave him some blows

with his cane. The Prince either saw or was soon informed of what passed, and ordering Captain Grahame, who had been seized by an officer of the guards, to be brought before him, he asked how he dared to strike any person within the verge of his palace. The Captain answered that he was indeed in the wrong, since it was more his Highness's business to have resented that quarrel than his; because Mr. Collier had less injured him in disappointing him of the regiment than he had done his Highness in making him break his word. "Then," replied the Prince in an angry tone, "I make you full reparation, for I bestow on you what is of more value than a regiment when I give you your right arm!" The Captain subjoined that since his Highness had the goodness to give him his liberty he resolved to employ himself elsewhere, for he would not serve a Prince longer that had broke his word. The Captain, having thus thrown up his commission, was preparing in haste for his voyage, when a messenger arrived from the Prince with two hundred guineas for the horse on which he had saved his life. The Captain sent the horse, but ordered the money to be distributed among the grooms of the Prince's stables. It is said, however, that his Highness had the generosity to write to the King and the Duke, recommending him as a fine gentleman and a brave officer, fit for any office, civil or military.'

Lord Macaulay pointed out that William did not acquire the property of Loo till after Captain Grahame had left the Netherlands; and that the inventors of this dialogue must have conceived an old English palace regulation to prevail in Republican Holland. It is not absolutely clear, however, that more than restoration to liberty was implied by the phrase 'I give you your

right arm.' Others have pronounced the story inconsistent with the characters of both men. As regards Clavers, it will not do to be too sure that he, who, as will be shown by a legal record, a few years later threatened in presence of Scotland's Privy Council to box Sir John Dalrymple's ears, would have refrained from caning a supposed insulter either in or out of the precincts of a prince's head-quarters. On the other hand, there have not been wanting attempts to account for his refusal of William's offers at the Revolution by vindictive adherence to a formerly expressed resolve never more to serve him. To this it may be replied that until a Prince of Wales was born, almost in the last year of Clavers's life, he must have expected either to resign all his employments or to hold them under William of Nassau, whenever the course of nature should terminate King James's reign. Had William or his wife succeeded by hereditary right to Britain's throne, it is hard to imagine that Dundee would have behaved otherwise than as their staunch supporter.

Such small blunders as misnaming a place of residence, or misconceiving the penalty of an offence, or antedating the Portmore earldom, argue conjectural embellishment by ill-informed parties, but cannot invalidate the simpler story in 'Dundee's Memoirs.' Mackay of Rockfield supposed his own relative, General Hugh Mackay of Scourie, to have been Captain Grahame's successful rival for a Dutch regiment; but this should perhaps be regarded as an attempt to supplement the memoir by known facts concerning Mackay's Dutch colonelcy rather than as confirmatory tradition.

Resentment of an affront is, however, quite un-

necessary to explain Grahame's return to Scotland in 1677. Had he been, as some writers have fancied, a younger son, it is intelligible that permanent rank in a foreign army would have presented to him a worthy object of aspiration. Owning as he did considerable landed property, and ranking as a lesser Scottish baron, it is hardly possible that he sought foreign distinction otherwise than as a stepping-stone to advancement in his native country. Flanders was then the great military school of Europe. Thither he had betaken himself to acquire thorough knowledge of his profession; and thence he returned when plenipotentiaries at Nimeguen were well advanced in discussion of terms for definite and lasting peace. Experience of military duty from the grade of gentleman-volunteer to that of captain, and experience of military hardship through the summer campaign when William cut the dykes of Holland, and the winter campaign when Luxembourg strove to march his armies over them upon ice, with Louis's triumphant progress of sieges and the carnage of Seneff and Mont Cassel, might suffice appetite for adventure. If they did not, little further satisfaction seemed promised by the Franco-Dutch war. It had so far languished that its chief commander, William of Orange, could be spared from the scene of action; and when this was the case a subordinate might well consider that opportunity, probably for some time desired, had arisen for quitting the service without dishonour.

Tradition more commonly distorts than altogether invents a story. Some disappointment may have hastened or attended Captain Grahame's departure from Holland; but the manuscript poem of 1691 alludes to William of Nassau's ingratitude in a totally different

sense, and none of the varied objections which have been raised against particular details in subsequent accounts can affect the simple incident of rescue there related. It rests, therefore, on uncontradicted contemporary evidence, and can no more be considered doubtful than any other occurrence in history commonly received on single testimony.

The Prince of Orange landed in England as suitor to the Princess Mary on October 19, 1677. Whether Clavers's return were synchronous or precedent, there can be small question that William commended him to his native rulers. High in favour with the Duke of York at that time was the young Marquis of Montrose, grandson to the great Cavalier who perished on the scaffold. On February 19, 1678, this young nobleman wrote to his kinsman, Grahame of Monorgan, a country neighbour and relative of Clavers :—

Sir,—I hope now to be able within a week or ten days to give you an account by word of mouth of my resolutions, and the reasons I have for accepting a troop of the Duke of York's regiment of horse ; so I sha'l forbear troubling you with a long letter, only I must tell you I have all along met with a great deal of favour from his Royal Highness, and that he has assured me that this shall be but a step to a more considerable employment. He has a very good opinion of Claverhouse, and he bid me by all means endeavour to get him for my Lieutenant. Therefore I most earnestly beg that you would be pleased to represent to him the advantages he may have by being near the Duke and by making himself better known to him. And withal, assure him from me that if he will embrace this offer he shall also share with me in my advancement and better fortune. I need not use many words to show you the disparity that is betwixt serving under me and any-

body else though of greater family, he being of my house and descended of my family. You may say more to this purpose than is fit for me to do. I shall say no more, but by this you will infinitely oblige, sir,

Your most affectionate cousin and servant,
MONTROSE.

On the same date he wrote to Clavers himself, urging as a personal favour his acceptance for a time of the above-mentioned lieutenancy, although 'ashamed to offer' anything so far below his merit, and softening the idea of holding a lower grade than had been already attained abroad by saying that 'none but gentlemen should ride in his troop.'

That James, Duke of York, so early as February 1678 should entertain a good opinion of Clavers is most naturally traceable to recent communications from William of Orange, who had become his son-in-law in November preceding. During the year 1678 three new independent troops of horse were levied in Scotland, and possibly to one of them Montrose refers, since he says he is to 'raise it in Scotland.' Allowing his minister Lauderdale to dispose of two of these, which were forthwith granted to peers, the Earls of Home and Airlie, King Charles named Grahame of Claverhouse commander of the first in order. Sir Walter Scott's novel, 'Old Mortality,' identifies Claverhouse's cavalry with the Scottish Lifeguard. At a later date the Guards, as will be seen, were placed under his orders, and may in a sense have looked up to him as their colonel. They had nothing to do with his own regiment, nor were they ever numerous enough to form a regiment by themselves. They consisted of two troops levied very soon after the Restoration, were a hundred

and twenty strong, and officered first by Lord Newburgh, then by the Marquis of Athol, who in 1679 was superseded by young Montrose. Claverhouse's regiment, like the Blues in England, ranked next as the 'Royal Regiment of Horse.' Its nucleus was the independent troop of which he was now made captain. Associated therewith from the beginning was a troop of red dragoons, belonging to a corps then called from their first colonel 'Old Tom Dalyell's Dragoons,' and subsequently distinguished as Scots Greys. This historically glorious regiment was the band of 'dragoons commanded by James Grahame of Claverhouse,' to which Lord Macaulay, in his first edition of his history, applied the epithet of 'Tophet upon earth.'

CHAPTER III

1679

Political situation—Popish plot—Conventicles and undertaking to suppress them—Despatches to Earl Linlithgow—Murder of Archbishop Sharpe

BEFORE entering on the ten years of his public career in Scotland, it has been usual with those who have taken in hand the character of Claverhouse to give some sketch of preceding events which had led to disaffection against the Stuart government. Most of those who desire to apologise for him have contented themselves with showing that, however the 'peasantry of the Western Lowlands' may have been 'goaded into madness,' Clavers had from the first to deal with a madness he was guiltless of originating; and further, that, if he dealt with it ruthlessly, he did so in soldierly obedience to the orders of his superiors.

Sir Walter Scott rightly observed that the alternative of surrendering his commission is always open to an officer whose conscience disapproves the orders he is called upon to execute. As will be shown, Claverhouse, to an extent not hitherto recognised, helped to frame the stern mandates he carried out.

It is not proposed here to recapitulate history which may be viewed in every shade of colouring in other

pages, nor to face the impossible task of justifying to modern apprehension the procedure of either Charles II.'s or James II.'s government. It suffices for the present purpose to inquire whether it were possible, in the age under consideration, for a man of something more than average intelligence, but swayed from earliest youth by principles of intensest Toryism, to regard the disaffection of a section of his fellow-subjects as an outcome, not of tyranny and mismanagement, but of wilful insubordination and the falsehoods of sedition-mongers. Further on it will be needful to judge whether, if he did imagine it to be so created, he could also conceive it to have attained conditions so dangerous as to necessitate remedies altogether violent and exceptional.

Returning to Scotland in 1677, Clavers found a Church by law established verbally identical in doctrine with the extremest section of its opponents, administering sacraments in similar bare simplicity, entirely without ritual; having in fact abandoned every peculiarity by which a Presbyterian attending its places of worship could discern that he was not in his own. Episcopal ordination under such circumstances could have none other than a political meaning. It meant that candidates who accepted it thereby acknowledged the king's right to appoint certain supervisors in the Church, and this right the rigid Presbyterians denounced as 'usurpation against Christ's sole supremacy.' To a man of plain sense, not reared in their peculiar opinions, Christ's sole supremacy meant no supremacy at all; for since the days of miracles were over it was a voiceless and unpractical one. It meant full liberty to use the pulpit as the modern free press is used, without check from any earthly authority. How Presbyterians had

used it against Charles I. was within recent memory. Had Charles II. yielded up Episcopacy in Scotland, and admitted without restriction to every parish church the men who in 1678 were thundering against him on muirland and hillside, they would not have ceased to denounce his measures and to incite their flocks to put forcible pressure on him whenever he hesitated to fulfil their behests. From 1643 until Cromwell crushed their assembly, Presbyterian clergy had ruled Scotland; they desired thus to rule it once more. Toleration was not what they sought, nor would they willingly grant it. Neither Royalist nor Republican believed in the indulgence. It is allowed by Wodrow[1] that the ministers who took the benefit of it scarcely pretended to keep its conditions. It was an experiment consented to by the Government to leave the irreconcilable party, in their view, without excuse. 'Toleration,' asserted Renwick, 'is always toleration of evil, for that which is good cannot be *tolerated*; but ought freely to be owned and countenanced.'

The Solemn League and Covenant bound its observers 'without Respect of Persons to endeavour the Extirpation of Popery, Prelacy (that is, Church Government by Archbishops, Bishops, &c. . . .), Superstition, Heresy, Schism, Profaneness, and whatsoever shall be found to be contrary to sound Doctrine and the Power of Godliness, lest we partake in other Men's Sins and be in danger to receive their Plagues, and that the Lord may be One and His Name One in the Three Kingdoms.'

Had Charles and James Stuart, as rulers repugnant to a majority of their people, consented to effacement, no peace could yet have been possible between the

[1] Vol. ii. p. 340.

parties marked out for extirpation, who comprised two-thirds of Britain's and Ireland's population, and the party thus pledged to extirpate. Either the latter must be broken by force, which was what Clavers essayed; or it must be swayed to more moderate courses, which the necessity of union among Protestants against a foreign enemy effected after the Revolution; or, lastly, it must triumph by bringing to bear upon moderate men some powerful inducement that would convert them into sympathisers. Had a gentle and generous-minded loyalist, to whom actual surrender of royal authority to popular clamour was a thing not to be thought of, entered in 1678 upon examination of Scotland's western shires, he might at first imagine that such excitement as was fostered by conventicle preaching could promote no dangerous rebellion. It would be strange indeed if one to whom the history of 1641 was well known could have thought so in 1679.

Harassed by smouldering disaffection among his subjects, Charles I. had been suddenly overwhelmed by tidings of Irish rebellion and massacre. Not only was the whole force of his western island struck at once from his grasp in such fashion that he could nevermore openly stretch forth his hand to regain it, but a brand of suspicion was thenceforth affixed to him and his house, which detached from them for ever the confidence of nearly all the middle classes of England. Scotland's preachers, ere the first impression had died away, roused their own excitable hearers to warlike action in support of an extreme form of Protestantism; and Scotland leagued with England to bear down in both countries the power of hierarchy and king.

Writers who have reviewed the stage upon which

Clavers stepped into public notice in Scotland seem never to have associated its peculiar crisis of danger with the fever of the Popish plot in England. They tell how Lauderdale, after ineffectually endeavouring to band country lairds together for the suppression of conventicles, had sent down a Highland host eight thousand strong to overawe opposition. They have accused him on Burnet's testimony of desiring to provoke rebellion by means of these predatory irregulars. Exhibition of powerful reserve strength is calculated to dishearten, rather than encourage, resistance; and Burnet's accusation is therefore wantonly absurd. That the Highlanders carried home plunder may be accounted for by commissions to seize goods for fines which local gentry had declared themselves unable to enforce; but possibly enough they were unmanageable, and a mere display of their numbers for a very few weeks sufficed to prove their readiness to serve against rebels if needed.

They were shortly replaced by more regular troops, and Captain Grahame of Claverhouse took up his quarters at Moffat in December 1678.

England at the moment was passing through a nightmare. It should be remembered that while sober historians, however prejudiced against Jesuitism, agree at the present time that the whole story of the Popish plot revealed by Titus Oates was a fabrication, no man, save its designers, could in those days know it to be fabricated. Life after life was sworn away. Parliament sat in daily terror of mounting skyward upon clouds of villainous saltpetre. Protestants everywhere expected massacre by imported Irish savages; and while those who retained any affection for the king imagined himself endangered, those who already distrusted him

believed him, no less than his brother, willing to connive at the betrayal and destruction of his subjects. A shrewd observer, not unacquainted with foreign intrigue, cannot fail to have discerned parallelism between the probable effects of this plot and of the last great discovery of Popish enormity. How genuine soever Oates's revelation, it had come with marvellous opportuneness for a certain political party; the party which is now known to have deliberately invented it for a purpose. Its horrors, disseminated in default of newspapers from every Presbyterian pulpit, illegal or indulged, would fall like sparks upon tinder prepared by the great increase of field-meetings during many past months. Once kindled, a conflagration might spread now as it had done five-and-thirty years ago. England, ordinarily non-receptive, was in a mood passionately sympathetic with Protestant disabilities; might do more than hearken to grievances; might again take up the Solemn League and carry the Covenant on to victory in both nations. Shaftesbury's programme could be but dimly guessed; yet his former colleague, Lauderdale, might well divine that an armed rebellion in Scotland would form part of it, and anticipate that field-preaching would be utilised to excite one.

On December 28, Clavers wrote to headquarters the first of a series of ten despatches. They are addressed to Lord Linlithgow, commander-in-chief of Charles II.'s forces in Scotland. With many other letters they are printed in full in Mr. Napier's 'Memorials of Dundee.' Here it will be enough to quote such passages as tell in any way the character of their writer or of the surroundings he had to deal with. His first difficulty seems to have lain in a certain

vagueness and laxity, both above and below him, which ill suited his foreign habits of discipline :—

'I have not heard anything of the dragoons though it be now about nine o'clock, and they should have been here last night according to your Lordship's orders. . . . They tell me that the end of the bridge of Dumfries is in Galloway, and they may hold conventicles at our nose and we not dare to dissipate them, seeing our orders confine us to Dumfries and Annandale. Such an insult as that would not please me; and on the other hand I am unwilling to exceed orders.'

After receiving a reply to this, he writes from Dumfries, January 6, 1679 :—

'My Lord, since I have seen the Act of Council the scruple I had about undertaking anything beyond the bounds of these two shires is indeed frivolous, but was not so before; for, if there had been no such Act, it had not been safe for me to have done anything but what my order warranted; and, since I knew it not, it was to me the same thing as if it had not been. And for my ignorance of it, I must acknowledge that till now, in any service I have been in, I never inquired further in the laws than the orders of my superior officers.'

This full transcript of a paragraph is given because the concluding sentence has been used to show that Clavers disregarded all laws except the commands of his military superiors. The absolute reverse is his actual meaning, which implies delicately a want of precision in orders that ought of themselves to have defined the limit allowed him by law.

'After I had sent the Council's orders to the Steward-Depute, he appointed Friday last, the 3rd January, for the demolishing the meeting-house.'

Sir Robert Grierson was Steward-depute of Annandale, a very young man at this time. He is now famous as the weird Sir Robert Redgauntlet of "Wandering Willie's Tale." Attempts have been lately made to shift upon his shoulders some burdens hitherto laid on Clavers, with what justice will be presently examined. He concurred readily in destroying the meeting-house. It was about sixty feet long, and between twenty and thirty wide; 'built upon the common purse of the disaffected.' 'So perished the charity of many ladies.' Mr. Cuper, bailie to Lord Stormont, offered to apprehend Bell, who built the meeting-house. 'I said to him it would be acceptable, but that the order from the Council did only bear the taking up the names of persons accessory to the building of it.' Orders were desired to apprehend others, but 'I refused because they are not included in all the Act of Council.'

The same letter relates that on returning to Dumfries he found a horse killed in the street, by a shot, it was said, from the castle. The guard denied point-blank that there had been any shot from thence. 'I caused search for the bullet in the horse's head, which was found to be of their calibre,' writes Captain Grahame. He placed the dragoon in command under arrest, 'till he find out the man, which I suppose will be found himself.' Clavers adds that he has promised to satisfy the owner for the worth of the horse, should the captain of dragoons refuse to do it. Ensuing despatches also reprehend acts of violence committed by soldiers; and as this series alone reports military details to his superior, no subsequent letters furnish any indication whether or not he eventually acquired an indifference to martial licence with which he has been credited.

His next trouble concerned the 'creatures he had so much respect for,' namely, horses. Country magistrates were required to appoint the respective locality whence each troop could demand its forage at fixed rates of payment. For some reason, unaccountable delays interposed. 'I am forced,' writes Clavers on February 8, 'to let the dragoons quarter at large in the country. I have visited their quarters and found it impossible they can subsist any longer there without a locality. What prejudice the king's service may receive by this I know not, but I am sure it is extremely improper to be thus quartered. . . . For my part, if my troop come to want hay and straw, I will go to any of the commissioners' lands that are adjacent and take it, offering the rates, and think I do nothing but what I may answer for, though I be very unwilling to disoblige any gentleman.' A postscript to another letter in April says, 'My Lord, I know not how to do for hay, now when we lay so strong. We have not got any locality, nor are we like to get money. For my part, I'll never solicit it more, and if the king's service suffer, let the blame lie where it should.' Other letters are principally taken up with arrests, or endeavours to arrest persons whom the Council bade him send in to Edinburgh, and with futile rides in search of conventicles. Cameron preached one Sunday within three miles, 'though we could see no appearance of them in any place we had been, because of the thickness of the fog;' . . . which reminds the reader of Peden's prayer, 'Lord, lay the lap of thy cloak over auld Sandie and these puir things,' when straightway there fell a mist between them and the soldiers, so that they were safe though they heard the bridles jingle. 'The dragoons,' says

Clavers, 'marched that day, without a bait, above fifty miles, of which there were about fifteen of horrid hills.' 'I know not what hand to turn to, to find those parties that are in arms. I shall send out to all quarters and establish spies, and shall endeavour to engage them Sunday next if it be possible; and if I get them not here, I shall go and visit them in Teviotdale or Carrick, where they say they dare look honest men in the face. But, my Lord, it had been necessary that the Council had not only warranted us to give out money for spies, but also had appointed where we should find it. For, I declare, I had to do to pay that night's quarters we were out. In the town we got some credit, but if we march I must take free quarters, for I cannot pay money if I get none. Sir William Sharpe is short of paying us near six hundred pounds sterling, and has now sent bills upon the excise of the stewartry for a small part of it, yet more than is due in either stewartry or shire. My Lord, we have now got a locality here with a great deal of difficulty. My Lord Queensberry has been very unkind to us. . . . I hope your Lordship will pardon me that I have not sent in the prisoners that I have here. There is one of them that has been so tortured with gravel, it was impossible to transport him; besides, expecting considerable orders, I had no mind to part with thirty or forty horses, and then Sunday's journey has a little jaded our horses.'

To a remark of Sir Walter Scott that more consideration than might have been expected is here shown for a prisoner's suffering, it has been retorted 'and for the horses!' A fortnight earlier, however, Clavers had already written, 'I was going to have sent in the other prisoners, but amongst them there is one

Mr. Francis Irwin, an old and infirm man who is extremely troubled with the gravel, so that I will be forced to delay for five or six days.'

Horses so hard worked behoved not to be stinted in their provender, for on another occasion he expresses an intention of effecting an arrest by surprise 'three score of miles off, at one bout;' and seems very often, on receipt of orders, to have ridden suddenly forty miles in one night with the same design, though usually foiled through ready intelligencers. It is amusing to note in a subsequent order of Council,[1] that Clavers secured three pecks of corn and eight stone of straw or hay for each troop horse weekly, while other cavalry had to be content with two and seven respectively.

Premising that 'open prison' signified liberty to receive and converse with acquaintances in the court or other precincts of a gaol, one more extract may explain how it came about that Clavers received a civil as well as a military commission.

Dumfries, April 21.

——There is here in prison a minister, was taken a year ago by my Lord Nithsdale, and by the *well*-affected magistrates of this town has had the liberty of an open prison, and more conventicles have been kept by him there than has been in any one house of the kingdom. This is a great abuse, and, if the magistrates be not punished, at least the man ought not to be suffered any longer here, for that prison is more frequented than the kirk.

Burgh magistrates, then as now, were elective, and naturally reflected popular sentiment. County magistrates were usually nobles or gentlemen who held time-

[1] Wodrow, iii. 282.

honoured heritable jurisdictions, and, whatever their own opinions, surrounding influences were apt to produce, in their conduct, similar results. Most of them had protested their inability to suppress the field-meetings which the government regarded as centres of political propaganda. Therefore it was resolved to lighten their invidious task by coadjutors less subject to local restraints. New deputes were recommended to them by the Crown. The Earls of Queensberry, Annandale, and Nithsdale, with Sir Andrew Agnew, were respectively desired to devolve upon Clavers a share of their duties. Other sheriffs in unsettled parts of the kingdom were similarly provided with active assistants, though not always from apprehension of remissness on their own part. Queensberry, surnamed the De'il o' Drumlanrig, acquired an after reputation as a persecutor inferior only to that of Clavers himself. By the latter's uncompromising championship of his troop horses, personal umbrage was soon taken between them. It was condoned for some years very completely, and renewed at last with remarkable consequences.

On May 6 Clavers concludes a letter: 'No appearance here of any stir.' News of the Archbishop's death three days before had evidently not yet reached the West of Scotland. In 'Old Mortality,' Edith Bellenden is made to exclaim, in an interview with a succourer of one concerned in the murder: 'You are lost if you are to plead your cause with Claverhouse. Root-and-branch work is the mildest of his expressions. The unhappy Primate was his intimate friend and early patron. "No excuse, no subterfuge," said his letter, "shall save either those connected with the deed, or

such as have given them countenance and shelter, from the ample and bitter penalty of the law, until I shall have taken as many lives in vengeance of this atrocious murder, as the old man had grey hairs upon his venerable head."'

Not a few readers have probably supposed some actual letter of Clavers to afford groundwork for Edith's quotation. It is therefore right to state that, whatever may be imagined of his resentment, he is not known to have expressed it in any form written or recorded.

CHAPTER IV

1679

Conventicle at Galashiels—Murder of two soldiers—Demonstration at Rutherglen—Exclusion Bill—Prorogation of Parliament—Information of Robert Smith of Dunscore—Drumclog—Cornet Grahame—'No Quarters' investigated

WODROW, referring to official papers under date May 27, informs us that 'Claverhouse, having lately surprised a conventicle in the parish of Galashiels where were present the ladies Torwoodlie, Galashiels, and Newton younger, the Laird and Lady Ashestiel, the Lady Fernylie, and Mrs. Jean Hunter, spouse to Mr. Pringle, and his daughter, with several other mean persons, a citation was ordered against the said ladies and their husbands to compear before the Council; and the Laird of Meldrum was ordered to proceed against the rest. Mr. Thomas Wilkie, the minister taken at the conventicle, and Mr. Francis Irwin, an inter-communed minister sent in from Dumfries, are remitted to the Council (who order them to the Bass).'[1]

Clavers had gone 'to visit them in Teviotdale,' as his letter on May 6 proposed. His report of the affair is missing; so whether 'they dared look honest men in the face' is uncertain; and no bloodshed is recorded.

[1] Wodrow, iii. 61.

The next recovered despatch being an exceptionally brief one may be inserted entire.

Falkirk, May 29, 1679.

My Lord,—I came here last night with the horse and dragoons, and munition in good pass. This morning a shoemaker fired out of his window in at the present Bailie's, where three of my men were sitting at meat and bread, two bullets within a foot of them. The rogue fled immediately out of town. Two countrymen, after we had broke up his doors and missed him, came and declared they had seen him running a quarter of a mile out of town. I sent a party after him, who found him lurking in a house. He is otherways a great rogue and frequents field conventicles, and, they say, takes upon him to 'exercise.'

I am certainly informed there is a resolution taken among the Whigs that eighteen parishes shall meet Sunday next in Kilbryde moor, within four miles of Glasgow. I resolve, though I do not believe it, to advertise my Lord Ross so that with our joint force we may attack them. They say they are to part no more, but keep in a body.

I am, my Lord, your Lordship's most humble servant,

J. GRAHAME.

Two soldiers on April 20 had been murdered near Loudon Hill in Ayrshire during the night by five horsemen and about as many foot, who attacked them in a barn where they were quartered on a countryman for refusal to pay taxes; though Wodrow admits they had given no special provocation by their behaviour. Even before the archbishop's murderers fled thither, it is evident, therefore, that the locality had contained desperate characters. It was to become now the centre of that gathering of which Clavers had been warned, in which he disbelieved, but which proved to

have been described to him erroneously only as to its place of muster.

It has been so often and so positively denied that there was any concerted intention of raising a rebellion at this time, that historians have agreed to consider the insurrection which succeeded the Primate's death as a fortuitous consequence of tactical blundering on the part of Clavers. If it were indeed accidental, it was an accident strangely opportune to the designs of English intriguers. Through May and June, executions continued in London. Witnesses offering to testify in defence of Papists had been nearly torn to pieces by infuriated mobs ere they could reach the courts of so-called justice; the Queen had been accused, and steps had been taken in Parliament, by proclaiming some of Charles's secret traffic with France, to turn the swelling tide of fury and alarm against himself. Insurrection with any Protestant grievance for its watchword had never fairer likelihood of general sympathy; and Scottish statesmen rightly believed insurrection in Scotland to be imminent.

On May 29, after writing the letter just inserted, Clavers seems to have marched to Glasgow; for either his presence, or that of some royal forces which, Wodrow says, came in from Lanark, disconcerted a scheme of the Whigs for celebrating Restoration Day in unique fashion in that city. Rutherglen, a small burgh two miles distant, was accordingly chosen for their demonstration. Thomas Douglas, a conventicle minister, and Robert Hamilton, brother to the Laird of Preston, entered the place with about eighty armed men during the afternoon, extinguished the bonfire lighted in token of public rejoicing, read out a written protest against

all the acts of parliament ever passed in contravention of their principles since 1660, and, having affixed it to the Market Cross, proceeded to 'burn the above mentioned acts' as their opponents had 'unjustly, perfidiously, and presumptuously burned our Sacred covenants.'

'A prudent government,' says Malcolm Laing, the historian, 'might have dissembled the insult;' and Clavers has been blamed even by his staunchest admirers for 'blindly beating the bogs' in search of the men who prompted it. What effect dissimulation of the insult for a few weeks longer would have had, may be forecast by comparing dates of Scottish and English events. On May 21 the Exclusion Bill passed the House of Commons by a large majority; the impeachment of Danby in the Lords was initiated immediately after. In all apparent likelihood a few days more would have seen both measures pressed upon the king by the whole vindictive passion of a terrified people. Should Charles, as might be expected, hesitate to sacrifice either his brother or his minister, that passion would have been ready to hurl more than moral force against the slight barrier of royal prerogative. Taking advantage of an undignified squabble in the House of Lords, Charles adroitly prorogued the brief Parliament of 1679, on May 24, without seeming to intend direct slight to his all-powerful commons. He gained a breathing-time; and how much he thereby disconcerted Shaftesbury's schemes is manifest by that earl's recorded threat that 'those who had advised the king to it should pay for it with their heads!' Thus the exact crisis to which a Scottish rising would be most opportunely timed was deferred. Had such

spontaneous outbreaks of the zeal which conventicle preaching fostered as an archbishop's murder, and the public destruction of Acts of Parliament, been patiently endured, had Clavers cautiously lain in leaguer with Lord Ross (for together they could not quit Glasgow without abandoning it to incendiaries), the rebellion which Lauderdale assuredly expected, which he has been accused of desiring, might have gathered its armed bands unmolested, might have partially organised them, and, if foreign munitions of war anywhere existed, might have secured their transport. That an explosion, the best moment for which had so late as May 24 promised to supervene at the beginning of June, could indefinitely retard itself until the English commons again met and carried on the Exclusion Bill, was very doubtful. The happiest chance for the king was that some accident should hurry it on during his temporary respite.

The 'Information of Robert Smith, formerly of the parish of Dunscore in the sheriffdom of Dumfries in the kingdom of Scotland' (1684) commences as follows:—

'At all the conventicles for near two years before the rebellion in the year 1679, there were great contributions of money which were cheerfully given under the pretence of a subsistence for their ministers and the poor of their persuasion (the only design that was known to the meaner sort of people), but the greatest part of the money was employed for arms and ammunition for a general rising. In order whereunto the Phanatics, in the months of April, May, and June, 1679, were preparing themselves by keeping several great field-conventicles, both in the west and south, in which

were considerable numbers of armed men. And although they were generally very fond and forward to put their design in execution, yet it was hastened a month sooner than was intended, by the skirmish which happened about the middle of June [1] within two miles of Loudon Hill, between a party of his majesty's forces under the command of Captain (now Colonel) Grahame of Claverhouse, and a strong field conventicle, in which I was myself with a party of a troop of horse (levyed in Nithsdale in the end of May and beginning of June) whereof I was cornet under Mr. William Ferguson of Caitlock. . . .' [2]

Captain Grahame's own report of Drumclog, the most concise and reliable account of the whole matter existing, is much the most familiarly known of all his productions by means of Scott's notes to 'Old Mortality.' A few observations on it, to clear misunderstandings that have arisen, are alone requisite. He was not so exasperated by 'that insolency done at Rutherglen' as to avenge it on the instant. Lord Ross, with foot soldiers, had relieved his guardianship of Glasgow before, on Saturday night, he marched out, enquired for the names, and found 'three of those rogues and an intercommuned minister called King.' Following up and arresting these, brought him to Strathaven, sixteen miles from Glasgow. Tradition has it that he breakfasted there, in a house still standing a few years ago. Wodrow says he took sixteen prisoners, mostly countrymen, whom his men tied two and two and drove before

[1] It was on June 1.

[2] From *A True Account and Declaration of the horrid Conspiracy against the late King, &c.* [the Rye House Plot], *as it was ordered to be published by his late Majesty*, 1685.

them. At six in the morning he thought 'we might make a little tour to see if we could fall upon a conventicle, which we did, little to our advantage.' Surmounting the brow of an eminence at Loudon Hill, near the farm of Drumclog, he perceived his enemy 'drawn up in battle upon a most advantageous ground, to which there was no coming but through mosses and lakes.' His critics have not suggested what he ought to have done when this situation was reached; except Mr. Napier, who thinks he might 'have manœuvred so as to constrain them to quit a marsh in which they could no more abide than he could ride.' They were not in the marsh, but on the other side of it; and how he was to constrain them if he could not get at them remains to be explained. Harder ground existed further up the hollow, whereby doubtless the Whig horsemen crossed it; but as he saw the place for the first time he had no knowledge of this. To have retired leaving his foe unassailed would have been, as Scott remarked, no less disastrous to the cause he served than loss of a battle. It has been supposed that his horsemen charged into the bog, were entangled in it, and were thus placed at the mercy of those they came to attack. Clavers hints nothing of the kind. He could not constrain his enemy to come within reach; but he induced them to do so by throwing forward skirmishers—dragoons—who at that date were expected to fight on foot if requisite.

Various guesses at the numbers engaged on each side have been made but no certainty has been attained. Four battalions well armed with fusils and pitchforks, and two squadrons of horse, is Captain Grahame's estimate of his opponents. Of how many men each

battalion in so irregular an army consisted, no assurance can be obtained. Wodrow, following one of their own party who was present, says they had got together about forty horse and a hundred and fifty or two hundred foot. Two hundred men divided into four sections must amount to fifty in each. Battalions in the English army at that time averaged five hundred. On June 3, the council are 'credibly informed' that the rebels number fifteen or sixteen hundred, and remark that they had 'by their numbers overpowered Claverhouse and his party.'[1] Strong in their inexpugnable position, the Covenanters need not have moved from it, and even their heated zeal would hardly have prompted them to attack without reasonable confidence of numerical superiority. The royal forces could hardly amount to much less than two hundred and fifty, nor is there anything to set them above that number. Of his own troop Clavers subsequently observed 'we were sixty.' The dragoons under Captain Inglis whom he had with him in Galloway accompanied him here—a hundred made up a troop; and mention of a Captain Bleith, not previously named, indicates a second dragoon corps. Creighton, an old Cavalier officer whose memoirs, written for him by Dean Swift, will have to be frequently referred to, had been detached from the latter with a small party, and left at Glasgow. The solitary phrase of censure supposed to be applied by a superior to Clavers's conduct at Drumclog, is General Dalyell's complaint of 'some people who hazards the king's forces upon very unequal terms.'

Hackston of Rathillet, and Balfour of Burley, two of the Primate's slayers, commanded the small parties

[1] Council's letter, printed in Wodrow, iii. 82.

of insurgent horse. William Dingwall, or Danziel, and James Russel of Kettle, two more of the murderers, are known to have been present, the first because he died of wounds received, and was buried in Strathaven churchyard, the second because he survived to write an account of his adventures. John Nisbet of Hardhill, another hero of the Covenant, was sent for in haste, and arrived in time to join the charge.

The 'common fault of undervaluing an enemy' has been attributed to Clavers. Tales he might hear in youth from Montrose's veterans would inspire him naturally with small respect for Covenanters, who died without stroke of sword, 'bursten in flight,' as at Tippermuir. His own troopers, however, were newly levied just as had been Elcho's band in 1644, and the dragoons hardly longer embodied, had no experience of war. Steadily he restrained his men from wasting powder with their ill-made firelocks. 'We keeped our fire till they were within ten pace of us; they received our fire, and advanced to shock.' He does not tell us whether he had drawn back his men far enough from the edge of the morass to deliver a counter-charge. He saw several of the enemy fall 'before we came to the shock,' and doubtless was astonished at the splendid courage displayed by those half-armed zealots. Russel says 'there was such a spirit given forth from the Lord, that both men and women, who had no arms, faced the troops,' and in the assault 'the women ran as fast as the men.'

Their courage was equalled by the coolness with which, despite the troopers' volley, their marksmen 'brought down the Coronet Mr. Crafford and Captain Bleith.' Clavers's own horse was ripped open in ghastly fashion directly afterwards, and it might well happen

that the tortured animal's plunges spread conviction for a moment that, like his subalterns, the commander was down to rise no more. A moment's panic is enough in such cases. Disorder ensued; and though the gallant steed saved his rider's life by carrying him off a mile, 'their horse took the occasion of this and pursued us so hotly that we had no time to rally.' About forty men were lost though the standards were saved. It has been said Clavers escaped by dismounting a trumpeter. Creighton states that he overtook his groom with some led horses, and mounted one of them. As he left the field his prisoner, Mr. King, called after him to 'stay the afternoon preaching.' 'The town of Streven drew up as we was making our retreat, and thought of a pass to cut us off, but we took courage and fell to them, made them run, leaving a dozen on the place. What these rogues will do yet, I know not; but the country was flocking to them from all hands. This may be counted the beginning of the rebellion, in my opinion.'

Thus concludes what Dr. Hill Burton has described as the frankest confession of defeat ever penned by a beaten commander. He infers that Clavers was little troubled by a disgrace which might else have wrecked his career, because it developed and provoked that wished-for rebellion which should enrich by confiscations the creatures of Lauderdale. In the summer of 1679, as a matter of fact, Charles the Second's throne, and by sequence the safety of his courtiers, was tottering to its foundations. That Bothwell Bridge rebellion was not synchronous with the strongest blast of indignation which Shaftesbury prepared to direct against its unstable equilibrium, was owing, first, to Parlia-

ment's sudden prorogation, and secondly to Captain Grahame's action at Drumclog. He could not know that it was so then; both he and the Government he served knew it later.

Dr. Burton's idea that Clavers was not particularly vexed at his disaster, has the merit of novelty. Previous authors attributed to 'the fancied disgrace annexed to this check,' following severities of which they believed him guilty. One writer, by no means predisposed in favour of 'perverse and miserable sectaries,' declares that 'he permitted himself to retaliate on the unarmed Whigs by cruelties inconsistent with the character of a brave man. The track of his march was now uniformly marked by carnage.' Scott extenuated his resentment by the death at Drumclog of a kinsman, Cornet Grahame. Mr. Napier, desirous of discrediting vindictiveness by removing its origin, denied, on the authority of Captain Grahame's letter, that any kinsman fell at Drumclog. He opines that the cornet who fell was named Crawford, not Grahame. A comma would separate 'the Coronet Mr. Crafford and Captain Bleith' into three persons instead of two; and omission of a comma in hurried writing can decide nothing. On February 7 Clavers had mentioned sending out 'Mr. Crawford, one of my corporals.' That gentleman may have been promoted in the mean time; but whether alluded to by his commander's report or not, a Cornet Robert Grahame's death is abundantly proved. Creighton and the memoir writer both tell an anecdote of his corpse being mistaken for that of his leader, and subjected to disfigurement. Russel of Kettle says his face was thus torn by his own dog; a judgment on him for having refused it breakfast save on the flesh of the Whigs.

Shepherd dogs were likely enough to be on the field, and horse-hoofs in a *mêlée* are not careful where they strike; so that, without Russel's story, mere disfigurement would need no special accounting for. A Latin poem, however, by Andrew Guild, entitled 'Bellum Bothuellanum,' shows unequivocally what impression prevailed among the Royalist party by specifying 'lingua, auriculis, manibusque resectis.' Wodrow prints an Act of Council whereby, in 1682, Laurie of Blackwood was accused of resetting 'John Alston, son to John Alston, miller, who murdered Cornet Grahame.'[1] Confusion has been caused by the index to Wodrow's history, which refers this passage to 'William' Grahame. Clavers, without naming his rank, mentions one William Grahame in the spring of 1679, and Mr. Napier, in a note, says he was cornet to Claverhouse, and certainly not killed at Drumclog. Neither was he killed in 1682, for Wodrow's vol. iii. p. 6, mentions a commission issued to him in 1684. He long survived the Revolution, and there is no reason to suppose he was a cornet at all before the death of Robert Grahame, whose vacancy he perhaps filled. Two ballads of early date on Loudon Hill and Bothwell Brig allude to Cornet Grahame's death, and his captain's vengeance for it. No flag of truce was sent at Drumclog; and nothing Sir Walter Scott ever wrote is more censurable than his attributing to Balfour of Burley the crime of firing on one.

Incompatible with the hypothesis that Clavers's ferocity was created by defeat, or could be extenuated by resentment for a kinsman's fall, is a statement by Russel of Kettle, that Clavers, as he came down the

[1] Wodrow, iii. 450.

hill before any engagement occurred, gave out the word 'No quarters' to his soldiers. Few historians have adopted it; but one modern work of considerable pretension having done so, it is necessary to examine here into this, the first clearly defined blot upon the portraiture it is here endeavoured to revivify. The 'Pictorial History of Scotland,' edited by Dr. Taylor, and bearing on its title-page the names of a goodly array of contributors, tells us, to palliate refusal of quarter by Covenanters at Drumclog, that Claverhouse gave out the word to his soldiers before the engagement, 'No quarter;' adding in a note, 'Sir Walter Scott makes no mention of the injunctions issued by Claverhouse, and which his bloodthirsty troopers never failed to execute to the letter.' The passage concludes by mentioning the displeasure of Robert Hamilton, commander at Drumclog, at the release of some dragoons, and says he 'insisted the other prisoners should be dealt with as they intended to have dealt with the Covenanters.' References are given to Howie's 'Faithful Contendings,' p. 201, and Wilson's 'True and Impartial Account,' p. 8.

In Howie's 'Scots Worthies,' 1775, in the life of John Nisbet of Hardhill it is observed: 'He was by some thought too severe in his design of killing the prisoners at Drumclog. But in this he was not altogether to blame, for the enemy's word was "No quarters," and the sufferers was the same.' This was written nearly a century after Drumclog. A quotation from 'Twenty-six Steps of Defection,' drawn up by Nisbet, 'yet in manuscript,' follows. It blames the sparing any of Claverhouse's men, but affords no hint of such a word as 'No quarters' on their part.

'Faithful Contendings,' at p. 201, contains Hamilton's declaration that 'I being to command that day, gave out the word that No Quarter should be given.' He does not say that the enemy intended to have dealt so with his party at Drumclog, or at any other time.

Wilson's 'Impartial Account,' p. 8, repeats Hamilton's declaration nearly in his own words, with confirmatory texts of Scripture. An earlier passage states that Claverhouse 'gave for his word no quarters,' and immediately after that he took prisoners Mr. John King and seventeen honest countrymen. This writer prefaces his account by remarking that the events he is about to relate have been much spoken of 'these seventy-two years bygone.' Russel of Kettle, though not referred to by name in the 'Pictorial History,' appears to be the original and sole contemporary author of this accusation.

Mr. Walter Smith, a preacher hanged in 1681, enumerates among 'Causes of God's Wrath' against Presbyterians the 'sparing some of Claverhouse's men' after Drumclog, when 'they were appointed to utter destruction,' but not adding, as might be expected had the fact been so, that *they* had intended to give no quarter.[1]

Wodrow says of Hamilton, 'I find some papers blame him for one of the soldiers being killed after quarters given, but how far this is true I cannot determine;' without hinting at any justification for such a proceeding.

Defoe, in his 'History of the Church of Scotland,' states that Claverhouse declared before the fight, 'If

[1] *Biog. Presbyteriana*, ii. 67.

they fired one shot at his men he would hang all who fell into his hands, if he should take five hundred.'

In the 'Diary of Sergeant James Nisbet,' published by Dr. M'Crie in his appendix to 'Memoirs of Veitch and Brysson,' it is related that when the diarist's father, John Nisbet of Hardhill, joined the insurgents just before the fight at Drumclog, two of the leaders 'gave him an account how matters was; and pointed out to him how Mr. King was guarded on the left of the enemy by ane officer and four dragoons, and the officer had orders to shoot Mr. King if they lost, and if the country people lost, all that was or should be taken prisoners was to be hanged immediately after battle.' Those who imagined that prisoners were to be taken in order to be hanged could not also suppose that the soldiers were forbidden to give quarter.

Some of these authorities are thus found silent at the very point where their argument would seem to necessitate mentioning the order in question. Others mention a report inconsistent with belief that any such order had been issued.

Hanging prisoners immediately after battle would be worse inhumanity than refusing quarter. The survival of Mr. King proves that if orders, as Sergeant Nisbet says, were given to shoot him, the troopers 'failed to execute' them. Clavers was so utterly routed that he had no chance of taking a single fresh prisoner to disprove one story or to be hanged in proof of another But that he had no authority in 1679 to hang up prisoners, with or without trial, can be shown not only from his military despatches—which report many arrests but no attempt to adjudicate—but from his magisterial commission as Sheriff-depute of Dumfries,

which exists, dated March 11, 1679. It gives him no authority in capital cases, and is confined to Dumfries. No abjuration oath was in existence, nor was martial law proclaimed at the date of Drumclog. Two letters written within the year show incidentally that, so far from country people's lives being lawlessly left to the mercy of persecutors or soldiery, some special authorisation was needed for fighting with them to enforce law.

Anne Keith, Lady Methven, writes in the end of October, not six months before Drumclog, of a conventicle she had dispersed by aid of her husband's tenantry: 'It is a grievous matter we dare not draw their blood, yet must disperse them. How shall that be if they come well armed to fight? The Acts against them are for and against, riddles indeed not easy understood.'

Lord Ross, Clavers's coadjutor at Glasgow, writes on May 5, less than a month before Drumclog, to the Commander-in-Chief concerning a disorder among his troops, that one Haliburton, in command of six men, being sent to arrest a prisoner, 'They, I believe, fell a-drinking, in which time some few people fell upon them with forks and the like, and hath wounded one of the soldiers very desperately ill; and really all of them give but a very ill account of themselves in that action. Haliburton says he durst not fire upon them, having no remission in his pocket.'

An illegal assembly resisting the king's troops by force of arms incurred the ordinary penalties of rebellion. That this would be used by the Whig leaders to excite their followers to fight desperately, when once resolved to fight, is likely. 'If defeated we shall be hanged!' is an argument that could no more be charged with falsehood than Robert Hamilton's reply, six weeks later,

when the rebels before Bothwell fight were summoned to lay down their arms. 'And hang afterwards!' exclaimed Hamilton.[1] Similar expressions might originate Nisbet's story. The Primate's murderers if captured would indubitably have been executed, as was Hackston. Russel preserved his impression of this risk in a form contradictory to Nisbet's version.

The 'Pictorial History' reckons twelve hundred prisoners at Bothwell to four hundred slain, a tolerably merciful proportion. At a skirmish fought June 10, just between Drumclog and Bothwell, at Bewly Bog, near Selkirk, ten prisoners were taken and sent to Edinburgh. 'Dundee's Memoir' makes Clavers commander, but it appears from a letter of Lord Ross that his son, the Master of Ross, was so. The troops engaged were most likely Captain Grahame's. His men fought at Airsmoss, though he was not himself present. They took prisoners. At Water of Dee he took three. At Killicrankie his men took five hundred. There is known no other opportunity he or his troopers had of according or of denying quarter in combat.

[1] Ure of Shargarton's *Narrative of the Rising at Bothwell*, published by Dr. M'Crie.

CHAPTER V

1679

Defeat reported to headquarters—Lieutenant Creighton—Defence of Glasgow—Inhumanities—Retreat from Glasgow—Skirmish near Selkirk—Muster of Royal forces—Secret messages—Battle of Bothwell Bridge—'No quarters'—Robert Smith of Dunscore—Epitaphs on individual victims

Dr. M'Crie's 'Memoirs of Mr. William Veitch,' from a MS. of 1727, relate how, during that preacher's incarceration in Canongate Gaol, his friends at Drumclog 'beat Claverhouse off the field, who sent an express that night to Edinburgh to acquaint my Lord Lithgow, then Major-General of the forces, whose lodging being over against the prisoner's window, where the express came to give my lord the account after one o'clock at midnight, the post-horn winding and the horse's feet making a noise, alarming the prisoner, he arose, and lying over his window heard the post-boy tell the whole story to the sentry, that the Whigs had beaten Claverhouse, killed his fine horse and several of his men, taken his standard,[1] and that he was fled to Glasgow and that they were following and would destroy my Lord Ross and Claverhouse if Lithgow came not quickly to their relief.'

[1] If so, it was regained, for Clavers wrote, 'I saved the Standards.'

Lord Linlithgow forwarded his beaten subordinate's report to King Charles in London; and the original remains in the British Museum. Its apologetic post-script, 'My Lord, I am so wearied and sleapy, I have wryten this very confusedly,' has by Mr. Napier been considered uncalled for. He says there is no confusion in it; but as he partially misunderstood it himself it may be accounted somewhat too succinct. Clavers forgets to name the place of his overthrow, and as regards time realises the schoolboy idea of being knocked into the middle of next week. He marched in quest of culprits on 'Saturday's night,' and writing late on Sunday says he had them at 'six in the morning yesterday.'

Lord Ross wrote also from 'Glasgow, Sunday, 9 o'clock at night:'—

'. . . If this be not rebellion I know not what is rebellion. In the meantime I shall do what I can to secure this place. I have ordered the half of our party to mount guard this night, foot, horse, and dragoons, and have posted them as well as may, and barricaded all the streets about the market-place.'

Sir Walter Scott's narrative of the affair, as befits a romance, is much indebted to imagination. On the whole, an impression similar to that created by the novel, that in his disaster Clavers had done all a cool and determined leader could do, appears to have prevailed at the time. Lieutenant Creighton, personally introduced to him at this period, regarded him uniformly with respect. This officer was at an outpost on a hill early next morning, June 2, where he was visited by Captain Grahame, on the look-out for expected enemies. It soon became visible that these were divided into two

portions, whereof one was entering the town by a longer route than the other, so that their attack would not be simultaneous. Outposts rapidly drew in, and firing from houses and from behind their barricade, composed of carts and planks, the soldiers after a sharp struggle repulsed the first party in the Gallowgate. Like most irregulars, the assailants blamed their leader for their discomfiture, saying that Mr. Robert Hamilton set no good example of courage. They were chased out of the town so quickly that their coadjutors, coming round by the cathedral, perceived it was too late to effect diversion, and wisely retired. Several were killed, and seven dead bodies lay in the street from eleven in the forenoon till night; the inhumanity of the soldiers even then interfering with their burial. Wodrow says, 'I find some papers asserting that Claverhouse, and some of the officers, gave orders that none should bury them, but that the butchers' dogs should be suffered to eat them. I can scarce prevail with myself to think there were any such orders given.' Perhaps this was a counter-charge to one embodied in 'A Full and True Account of Proceedings in Scotland since the Rebellion began,' printed in London, 1679. It is said there that the Whigs, entering Glasgow a little later, dug up two recently buried bodies of the Bishop of Argyle's children, and pierced them with swords. These stories, like that of Cornet Grahame, are at once unverifiable and irrefutable for want of further evidence. Credence or contempt will be awarded to them as partisanship directs. Few, perhaps, will remember how consistent all of them are with the temper of an age that habitually insulted human remains by mutilation and exposure in the case of ordi-

nary as well as of political criminals. Neither Whigs nor Tories were horrified that offenders should be barbarously treated; they were only indignant that their own associates should be treated as offenders.

Clavers and Lord Ross interfered not long with any burial honours Glasgow townsfolk were disposed to pay. On Tuesday, June 3, they evacuated the city, lest their enemy's increasing multitude should cut them off from assistance. Linlithgow, who was on his way to Stirling with his own regiment, turned aside to join them, and after consultation the united forces fell back to protect Edinburgh. June 9 a message from King Charles approved this course, and returned thanks to the Commander-in-Chief for his diligence, as 'likewise to the Lord Ross and Claverhouse.'[1]

Proclamations were issued calling out the gentry, particularly from the loyal north-eastern shires; and the Earl of Mar was desired to bring down Highlanders. On June 11 the eldest son of Lord Ross reports to the Council, that yesterday near Selkirk he met with a party of rebels, about one hundred and fifty, and defeated them, near Gala water, killed near sixty and took ten prisoners. Next day Lord Elphinston acquainted the Council that he had taken thirty-three rebels prisoners, who were coming from Fife, and a like number near Perth. Minor losses did not prevent ill-instructed peasantry from gathering to Robert Hamilton, and his forces were estimated ere long at eight thousand. Whether they ever surpassed this amount has been much disputed, though accounts after the rising was suppressed rate them as high as twelve or fourteen thousand. None of the men of rank and station, whom

[1] Wodrow, iii. 85.

rumour named as their promised leaders, appeared in their midst. They had practically no generals except their ministers, and these disagreed so much amongst themselves that large bodies of their followers seceded after they had assembled. Charles sent down the Footguards by sea, and hastened forward several bodies of horse from the English northern counties, under Majors Main and Oglethorp. Monmouth, the idol just then of Shaftesbury's followers, was placed in supreme command, by a stroke of policy not free from risk. By no other man could a Protestant insurrection be punished without exciting that dangerous compassion on which its promoters had counted. Yet had Monmouth been an apter or more daring pupil of Shaftesbury, had the rising he was bidden to oppose been more extensive, better organised, and a little more dominated by rational counsels, he might have made common cause with it, and have floated to power upon its surges. That it would prove abortive was almost a foregone conclusion, however, before he encountered it. Ten thousand men, officered by the principal nobility, composed the royal camp when he took command of it, and few of these were tinged with disaffection.

On Saturday, June 24, Lord Melville, who was with the Duke of Monmouth, sent a messenger named Miller, who 'behoved to creep upon his hands and feet near a quarter of a mile from the king's camp,' to Mr. David Home and Mr. John Welsh, ministers of the least fanatical section of the insurgents, imploring them to send a petition to the Duke of Monmouth, from whom they might expect good terms; 'for if they will not follow advice, and these people be broken, it will ruin

the Presbyterian interest.'[1] 'Had it not been for the intelligence brought by the said Miller,' deponed a witness against Lord Melville, 'the king's army had surprised the rebels and got all of them in a hose-net.' When the Royalist advanced guard reached Bothwell town, a quarter of a mile from the bridge, the insurgents lay on Hamilton Muir, with Clyde flowing between the armies.

Robert Hamilton, and it may well be believed the Archbishop's murderers, were ill-disposed towards accommodation. Others were willing to supplicate Monmouth for redress of grievances; and a paper was drawn up during the night and signed by several. Mr. David Home and Ferguson of Caitloch were to present it. 'Upon Sabbath morning early,' says Wodrow, 'they went in disguise; yet Claverhouse, having some jealousy of them, watched them upon their return, and having got some hint of them, saluted them by their names.' They demanded full indemnity and toleration, a free Parliament and General Assembly without 'the clogs of oaths and declarations,' for settling affairs in Church and State. The Duke reckoned their desires reasonable and just, and was confident he would be able to procure from his Majesty satisfaction to them, but in the meantime he acquainted them 'that he would engage to do nothing, nor as much as come in terms with them, till they should lay down their arms and come in his mercy.' 'And hang afterwards!' cried Robert Hamilton as soon as he heard it. Half an hour allowed for deliberation slipped by without other answer, while factions wrangled. Lord Livingstone, Linlithgow's son, came up at the head of the

[1] M'Crie's notes to Ure of Shargarton's *Narrative*, pp 474, 475.

Footguards to seize the bridge. Cannon thundered, and musketry on either side rattled across the river. A gateway then existing on the bridge was bravely held by Hackston and some Galloway men, until at the expiration of an hour's struggle their ammunition failed them. Thenceforward the narratives (of which Ure of Shargarton's and Hackston's, the latter printed in a note to 'Faithful Contendings,' are by eye-witnesses) become extremely complicated, through everybody's determination to blame somebody else. The only barrel sent down to the bridge-defenders by Hamilton is said to have contained raisins instead of powder. The gateway was either abandoned or forced. Livingstone crossed it first with three hundred foot, a troop of horse following. Aimless skirmishing and confused movements among the Galloway horsemen went on while Monmouth's troops continued to defile over the river and deploy upon the bank. Some of the Whig cavalry, galled by cannon-shot, broke through their own reserve line of foot; the rest rode off the field in good order, seeing the day was lost. Some of the foot fled into Hamilton wood, where Lieut.-Colonel Douglas was sent after them. Twelve hundred surrendered; between three and four hundred were killed. Clavers is placed by Creighton in command of the royal cavalry that day. Possibly he led it across the bridge, at the head of his own troop, and in the charge that ensued.

Wodrow does not mention him either in the fight or pursuit. 'It is said,' he remarks, 'that English dragoons, the Highlanders, and some volunteers from Perth and Angus were very bloody and gave no quarter.' Sir Walter Scott, in 'Old Mortality,' presented a vivid picture of Clavers's onset, exclaiming,

'No quarter! Remember Cornet Grahame!' and said that when orders to stop pursuit were sounded 'the fiery and vindictive Grahame' was out of hearing. Subsequent historians have taken his description for granted; till Mr. Napier, in his desire to traverse it, denied that Cornet Grahame fell at Drumclog at all. It has been shown that a Grahame was there slain under circumstances which might excite revengeful feeling on his kinsman's part. For that revenge at Bothwell, however, Sir Walter's authority was one verse of a ballad:—

> 'Hold up your hand!' then Monmouth said,
> 'Gie quarter to these men for me.'
> But wicked Clavers swore an oath
> His Cornet's death revenged should be.

He was possibly led to adopt it by the following sentence in 'Dundee's Memoir:' 'If Clavers and Ogle-thorp had been left to their own Discretion they had put an end to that rebellious crowd, and purged the Nation of much superfluous and corrupted blood.' Did the memoir writer then intend to convey that Clavers, 'left to his own discretion,' would have given no quarter? Scott, with the ballad in his memory, may have thought so.

'The Information of Robert Smith of Dunscore,' dated 1684, contains this paragraph: 'When the king's standing Forces began to pass the Bridge, the chief officers of the Rebels were consulting what was fit for them to do; and it was resolved that they should all march away in good order towards Carrick and the rhins of Galloway, until they should be furnished with arms and ammunition, which was landed at Borrowston-ness, (besides what was expected from Holland, but

could not then be brought to them by reason of the king's army having been interposed between them and that place;) and moreover they were in expectations of considerable reinforcements both of horse and foot, which were on their march from several parts of the country. But their chief encouragement to prosecute this design was the confidence they had that the Duke of Monmouth would not put any hardship upon them; which I have good reason to believe was true; for when I was in company with all the Rebels' Horse, about 1,600 in number (less than a mile from the field of Battle, marching up on rising ground in our retreat) I looked over my shoulder, and saw the king's Horse at a stand, after they had pursued us a little way, which we looked upon as having been done to favour our escape. For if they had followed us they had certainly killed or taken us all, a few only excepted who were very well mounted; and we were often afterwards told that they were stopt by the Duke of Monmouth's positive command when they were violently pursuing us after they had quite broke our Foot.'

Robert Smith therefore, five years after Bothwell, had no idea that the king's horse there withheld quarter; for he says, 'If they had followed us they had certainly killed *or taken* us all.' Nor that Clavers disobeyed Monmouth's command to stop pursuit, which was issued 'after they had quite broke our Foot,' and when the fugitive horse were nearly a mile from the field of battle, so that Monmouth's check was scarcely administered to save vanquished infantry from Clavers. When it is remembered that these sixteen hundred horse were not half-armed peasantry, but farmers and Galloway landholders likely to form the nucleus for a renewed

gathering, it is not wonderful if Clavers and Oglethorp remonstrated against orders which it is clear they did not disobey.

Wodrow 'ends this melancholy subject' with a well vouched account of Arthur Inglis, 'who had not been at Bothwell,' but on Monday, June 23, sat watching his cattle and reading a Bible. 'The place was two or three miles from Bothwell, and the high road came near it. Some of the soldiers, seeing him reading, concluded he was a Whig,' fired at him, and 'without asking any questions clave him in the head with their swords, and killed him on the spot. By these hints we may guess what was done by the soldiers up and down near the place of action; and indeed they spared nobody almost they met with. The loss of the king's party needs not to be computed, it was perfectly inconsiderable; a few were killed at the bridge; after that there was no resistance made, except in the woods, where, I hear, two or three of the soldiers were killed.'[1]

Wodrow's History was complete in 1722.

At Cambusnethan churchyard, near Wishaw, is a stone with an epitaph—

Here lyes
Arthur Inglis in Netherton
Who was shot at Stocklton
Dyke by bloody Graham of
Clavers-house. July 1679.
For his adherence to the word of God
and Scotland's Covenanted Work of
Reformation. Rev. 12 and 11.
Erected in the year 1733.

On the opposite side is some verse of the character usually found on martyr tombstones.

[1] Wodrow, iii. 109.

Clavers is here implicated by name; but in a month when it is hardly conceivable he could have been still in Clydesdale. It differs from Wodrow's 'well vouched' account, at the date of which Clavers might certainly have been present though Wodrow names him not, by asserting as a reason the victim's 'adherence, &c.' Wodrow's unclassified 'soldiers' knew not if the reading man were a steady royalist engrossed in 'Eikon Basiliké.' Five years later in date than Wodrow's narrative it is supposable that the stone owed its erection to the attention he drew upon a local martyr, and its date of July either to casual error, or to a desire to certify cold-blooded shooting under martial law, such as occurred in later years. Clavers and his troopers, recalled from pursuing Galloway horsemen, perhaps helped Colonel Douglas to beat the woods of Wishaw, and if their work was not complete ere night may have had the ill-luck to kill a non-combatant early next morning. Only if they did so in the manner related by Wodrow, it could not be 'for adherence to Scotland's Covenanted work.' If Inglis adhered by carrying arms on June 23, his death at the hands of Grahame's or Douglas's men needs little accounting for.

Three more epitaphs, printed in the Rev. J. H. Thompson's 'Martyr Graves of Scotland,' may here be noticed.

On a stone in Loudon churchyard—

Here lies
Thomas Fleming of Loudon Hill
Who for his appearing in arms
In his own defence and in defence of the Gospel,
According to the Obligations of our National Covenants
and agreeable to the Word of God,
Was shot in a Rencounter at Drumclog
June 1st 1679, by bloody Graham of Claverhouse.

In Stonehouse churchyard—

Here lies, or near this, Jas. Thompson
Who was shot in a Rancounter at Drumclog
June 1st 1679. By Bloody Graham of
Clavers House, for his Adherence to the
Word of God and Scotland's Covenanted
Reformation. Rev. XII. 11.

At Galston, not a mile from Loudon—

Here lies Andrew Richmond
Who was killed by bloody Graham of
Claverhouse
June, 1679.
For his Adherence to the Work of God &
Scotland's Covenanted Reformation.

There follow a few lines of verse.

Notwithstanding the nearness to Drumclog, it is permissible, from the indefinite date of 'June,' to imagine that the last victim may have been slain or wounded either among the 'dozen' left 'on the place' at Strathaven, or in the fight at Bothwell, or in any other way during the month while hostilities continued.

CHAPTER VI

1679

Atrocities after Bothwell—Mission to King Charles—Monmouth—Portrait and personal character of Clavers.

'THE officers of the army who had been at Glasgow,' says Wodrow,[1] 'Major White, Claverhouse, and others of their cruel temper, solicited the General to ruin the West country, and burn Glasgow, Hamilton, and Strathaven; to kill the prisoners, at least considerable numbers of them; and to permit the army to plunder the Western shires, who, they alleged, had countenanced the rebels. I find, when they were balked of this they proposed that at least the soldiers should be allowed three or four hours to spoil the disaffected houses in the city of Glasgow, because of the favour shown there by many to the West country army.'

If Wodrow had stated in what quarter he found the second greatly modified proposition, it might be possible to discover what forfeiture of moveables by particular persons guilty of accession to the rebellion was contemplated. For the first, it stands without hitherto discovered authority save Wodrow's own; without confirmation, and almost necessarily from the

[1] iii. 112.

nature of the case, without any but conjectural contradiction. Those who believe that Clavers had 'improved the natural cruelty of his disposition' by experience gained in the Low Countries while Luxemburg was ravaging them, will readily opine that he might be capable of suggesting in his native land an imitation of foreign excesses. Whether or not the imprudence of subjecting to anything like indiscriminate sack a city like Glasgow, which must have contained many friends to the king, and many more peaceable individuals who only desired to remain neutral, was likely to present itself to his mind, is a question which can be approximately answered. Ten years later, when he had gathered together with infinite pains an irregular army, he wrote on June 28, 1689: 'I dare not go down' (to the Lowlands) 'for want of horse, and in part for fear of plundering all and so making enemies, having no pay.' To prevent the evil he foresaw, his next report to King James, on July 9, shows that during a delay which ensued he disbanded his whole Highland forces except two hundred, and sent them home.

Returning to Wodrow's narrative of 1679, we find that Clavers, very soon after Bothwell, progressed through the shire, seizing upon the forfeited property of all who had been concerned in the rebellion; and so back to Dumfries and Galloway. Here occurs the solitary recorded instance of that worst kind of military outrage, which, with every other imaginable offence, has been imputed to him at random by certain writers. Howie of Lochgoin, in 'God's Judgment against Persecutors,' printed in 1782, says plainly that 'he and his party' outraged a wife in her husband's presence. The

next sentence shows that Howie is writing on information afforded by Wodrow's History, for the peculiar Scotticism 'balk, or roof of the house' is similarly used and translated by Wodrow in a succeeding instance of torture. Wodrow's statement, therefore, as the foundation, alone needs to be commented on. At the head of his paragraph he tells us that in Galloway Claverhouse 'carried with him some English dragoons, several troops of horse and some companies of foot. The damages these committed are beyond reckoning.' 'In one house, one of the ruffian soldiers' committed the alleged crime and then plundered the house.[1]

Wodrow's informants possibly told him no more than the truth. Out of 'several troops of horse and some companies of foot' it were indeed exceptional to find no ruffian capable of committing crime under the opportunities afforded by seizure of persons and goods in what was practically for the time a defeated enemy's country. An English contingent is likely to have been less amenable to strict discipline under a Scottish commander than if officered by a compatriot. Mr. Redpath, a friend whom Wodrow consulted during the compilation of his History, recommended, by way of compression, 'that what is merely circumstantial might be left out, except where it is necessary for illustrating the matter or aggravating the crimes of our enemies.' Neither place nor name is given in the present instance, except that it occurred either in Balmaclellan parish or one of 'many others near by.' In so extremely curt a notice Wodrow may have had no special motive for omitting to state whether the ruffian was punished, whether Captain Grahame ever inquired into the affair,

[1] Wodrow, iii. 122.

whether in any manner of way he ever was made aware of it. Until the last question is answered it is impossible to appraise the degree of his culpability; for it is obvious that he could not keep personal watch over every party sent out to make arrests or seizures.

Two cases are next related of torture for discovering concealed rebels, improvised by twisting a cord round the temples of one youth, and by suspension of another to the 'balk or roof' of the house by his thumbs. Neither elicited discovery. The first sufferer 'died a little after he came out of their hands,' though again compression of the account has prevented direct connection of effect with cause. 'Soldiers under Claverhouse,' besides other 'terrible havoc,' did all these things in Wodrow's pages. In John Howie's it was still 'he and his party.' Stimulated by rewards offered for apprehension of particular persons, it is likely enough that detached parties might pursue inquiry by brutal methods; but it is worthy of notice that in none of these cases does Wodrow assert that Clavers was cognisant of such deeds.[1]

Wodrow prints a proclamation, unfortunately blank as to dates, issued by Monmouth as General-in-chief, offering pardon and indemnity to all such tenants and sub-tenants concerned in the late rebellion as shall render themselves to his Grace at the King's Standard, or to the chief magistrate of the head burgh of their shire within so many days; and landlords were bound to evict all who held back from surrender beyond the prescribed period. Of date July 27, though unpublished till August 14, followed an indemnity to all under the degree of heritors (landholders) except ministers and

[1] Wodrow, iii. 123.

others active in contriving the rebellion, who before September 18 should promise to bear arms no more against the king's authority. Ere it came into force Clavers had left not only the scene of his oppressions in Galloway, but Scotland itself for a time. One reason for the severities he had practised there for a month at the utmost is furnished by Robert Smith of Dunscore.

On leaving the field of Bothwell unmolested, as he described, by the king's forces, the sixteen hundred Whig horsemen repaired to Newmills, twelve miles distant, where, he says, 'we separated, some going towards Ayr, others to Galloway, and the rest to Nithsdale; amongst which last were the most resolute of the officers to the number of betwixt forty-five and fifty, who continued together in arms, going up and down the country in Galloway, Nithsdale, and thereabouts (after all the rest were scattered), until a party of the King's forces commanded by Claverhouse came into Galloway, and then we, for I was all along myself with that small remainder of the rebels, went into the West.'

On July 25 the Earl of Linlithgow and the Laird of Claverhouse, by special permission of the Council, betook themselves to London.[1] Wodrow associates their journey with alarms aroused by Monmouth's influence with King Charles, which already had procured a suspension of the penalties against conventicles, and an offer of fuller indulgence than heretofore to Presbyterian ministers.

Ridicule has been lavished upon Sir Walter Scott for adopting as an authority that ballad of Bothwell Brigg, which, after recounting Clavers's vow of vengeance for 'his Cornet,' and Monmouth's insistence that

[1] Wodrow, iii. 172.

quarter should be given, terminates in such 'arrant nonsense' concerning 'wicked Clavers' as—

> Then he's awa' to Loudon toun;
> Awa' as fast as he can drie,
> And he fause witnesses has foun'
> And ta'en Monmouth's head fra' his bodie.

Tradition oftener distorts than invents. This is a maxim that needs to be repeated, and it is worth while to examine whether there might not exist grounds for a surmise which future events developed into that final couplet's absurdity. It is true that Monmouth's head fell not on the block till six years after Bothwell, and that Clavers had as little direct share in bringing it there as any follower of James could have. Comparison of dates and of a few incidents, trifling in themselves, will, however, show a curious coincidence between Captain Grahame's journey to court after Bothwell and the first downward turn of Monmouth's prosperous career.

From Brussels, July 3, 1679, wrote James Duke of York, in exile, to his son-in-law of Orange, not yet having heard news of Bothwell: 'As for the affairs in Scotland, that rebellious crew that is up in arms will I believe soon be dispersed; they having no considerable men amongst them; but I think what may follow upon the Duke of Monmouth's going down thither may be of ill consequence.'[1] It is noticeable that while several accounts coincide in representing Mr. David Home as one of the commissioners who attempted to treat with Monmouth in the early morning before Bothwell fight, great diversity exists regarding the

[1] Dalrymple's *Memoirs of Great Britain*, vol. ii.

identity of his colleague. Wodrow, who names Ferguson of Caitloch, says that they went in disguise, which would account for uncertainty in the matter. He gives no reason why secrecy was desired; nor is it easy to conceive one on the part of the envoys. Only in case the character of one or other of them implied some possibility differing from their ostensible errand could Grahame's personal recognition count for anything. If the Duke of York in his foreign exile suspected private bargaining between Monmouth and insurgents who should tempt his personal ambition, that prince's Scottish adherents might share his suspicions. They might find connivance in the orders that precluded pursuit of the very men whose representative had conferred with the general that issued them.

On July 29 Monmouth was appointed Captain General of the army in Scotland, and it seemed as if Charles intended to govern the northern kingdom by his advice. On July 25, as aforesaid, Clavers accompanied Linlithgow to court. Towards the latter half of August King Charles fell seriously ill with fever. On September 2 the Duke of York, sent for privately in haste, arrived at his brother's bedside. Ere the month closed Monmouth was turned out of all his posts and ordered to quit the country, while his uncle replaced him as chief counsellor for the government of Scotland. Whatever was the king's sense of his brother's position and desire to make up to him for injury unwillingly inflicted, it is out of the question that these would have led him to banish a son so beloved as Monmouth, unless a change of sentiment resulted from some sudden discovery. Intrigues with

Shaftesbury for a place in the succession formed the main foundation for royal displeasure, and a shrewd eye-witness of the rebel commissioners' errand to Monmouth's tent may have furnished additional conviction that double-dealing existed there and elsewhere.

Courtiers and practised men of the world fail not to remember what kind of impression the accuser of a favourite, even when believed, usually leaves upon the mind he has enlightened. Lauderdale, menaced simultaneously with Danby, had little beyond his personal credit with his monarch to uphold him in security. A debate eight hours long took place in July (see letters quoted in Wodrow, vol. ii. p. 154) in Charles's presence, concerning his Scottish ministers; Hamilton and other nobles, aided by powerful lawyers, attacking, and Sir George Mackenzie, Lord Advocate, alone defending, Lauderdale. 'Whereupon,' writes Chancellor Rothes, in a letter dated August 21,[1] 'the King called his Advocate and said that he would ever thereafter call him Tom Duff, which is a name they call a bear in bear-garden in Southwark that fights and beats all the rest alone. But they say the King prompted the Advocate very often, having been so frequently informed by the five Lords he called up. So the Advocate came to the King and swore a great oath that "Your Majesty is Tom Duff; for you have said more convincing things than I am able to say, or can be answered."' Monmouth returned from Scotland and procured leave for one more hearing, but Hamilton and his supporters failed to avail themselves of it; and Monmouth, 'mad to be so used,' swore passionately to meddle no more with them. 'The king was extraordinarily pleased at

[1] Napier's *Dundee*, i. 386.

this,' adds Rothes. However desirous to undermine Monmouth's inimical influence, Lauderdale must have feared to wound his sole patron's private feelings by personally depicting as insincere or superficial an outburst which had given such keen satisfaction. A mere captain of horse, if he had become possessed of an unpalatable secret, had best take the risk of imparting it. Conjecture, dealing with considerations of this kind, not unnaturally connects Clavers's visit to Court with other causes of Monmouth's disgrace.

It is apparent that if the captain of horse had actually a difficult mission to discharge, he managed it with sufficient tact to avoid injurious consequences. He remained some time at Windsor, and entertained aspirations which only a tolerable assurance of royal patronage could render reasonable. They will require another chapter to elucidate them. While staying in England his portrait was painted by Sir Peter Lely. It is now in possession of the Earl of Strathmore at Glamis Castle, has been repeatedly exhibited, and many times engraved. Reproductions of it are considered to fall short both of its artistic qualities and of the noble beauty of countenance it presents, a beauty generally admitted by critics but diversely characterised. 'Superfine and supercilious' is the curt verdict of a friendly judge; and it is undeniably correct as well as compendious. While one modern observer sees in it an 'almost boyish smoothness and simplicity,' another traces 'rigid mercilessness' in the outline of the lips; and another, whom it reminds of Charles II.'s 'frail beauties,' calls it 'the likeness of a man of fashion.'

The dress at least displays no especial subservience

to fashion. Loose lawn sleeves in place of antiquated armour present the easy summer habit allowed about the date of the painting, but their ruffles are plain-hemmed, and neither jewel nor gold braiding is visible. Laced cravat and regulation military perruque were indispensable parts of uniform. If not attributable to conventional art, the hands, which are included by the portrait being a half-length, deserve a word of notice. They are long, slight, muscular, exquisitely symmetrical, and instinct with force in every line. The right leans on a bâton of command, which was possibly a prophetic compliment paid by the artist to his subject's rising fame. Mr. Napier's suggestion that it denotes a later date, and consequently a different painter—for Lely died in 1680—is incompatible with some minor details of costume, and with the forehead's youthful smoothness.

At thirty years of age, perhaps a year or so beyond, Claverhouse's character was by this time consolidated, and can be described in the words of contemporaries. Profligacy and excess, on the testimony of his most scurrilous enemy, were repugnant to him; and those conversant with the society amidst which he moved can best gauge the moral superiority thereby inferential. That he could be stingingly sarcastic is another qualification ascribed to him by the same author, which there need be no more hesitation in accepting than the 'high, proud, and peremptory humour,' which stands on the authority of an angry rival courtier, Earl Moray, who reckoned it to involve 'insufferable conceit and vanity.' Another earl, Balcarras, more amicably disposed, has described him as 'extremely affable,' a phrase which of itself suggests half-veiled hauteur; and some mocking

verses by Cleland, one of his opponents at Drumclog, give assurance of a certain stateliness. Astonished at his keeping their chieftain in awe, some Highlanders placed under his command are represented as questioning among themselves—

> Some asked 'if it were his Grace?'
> While other some who knew no thing
> Did ask 'if he could be Sire King?'

'Fortitudinis, comitatis, probitatis, norma et exemplum illustre. In pace pius, semper idem et sibi constans,' wrote George Martine of Clermont, Archbishop Sharpe's secretary, who must have known him from youth onwards. 'I had an extraordinary value for him, and such of his enemies as retain any generosity will acknowledge he deserved it,' protested in 1690 Dr. Munro, Episcopal Principal of Edinburgh College. He was pronounced by Bishop Burnet, whose family connections gave him opportunity of knowledge, to be 'a man of good parts and some valuable virtues.' 'Of deep thoughts and indefatigable industry,' says Collier, 'ready to execute what he designed, and quick in the contrivance as well as execution of it.' 'None had more the ability to insinuate and persuade,' asserted Lord Balcarras; and this testimony of a friend is amusingly borne out by an inimitable sentence from the pen of an enemy—General Mackay, after the Revolution—'judging the consequences of letting Dundee, who wanted not arguments to persuade men to his measures, *play his personage* among the nobility and gentry of the north.'

CHAPTER VII

1678–1680

The House of Menteith—Project of alliance therewith—The heiress of line—Courtship—Clavers supplanted by Montrose—Montrose's withdrawal—Letters from London.

A CURIOUS story affecting the legitimacy of Scotland's Stuart Kings was revived about the date of the Exclusion Bill, and is discussed by Sir George Mackenzie in his 'Jus Regium.' Buchanan, in maintaining the nation's right to make and unmake its monarchs, had asserted that the first Stuart's heir and successor was not legitimate by birth, but was legitimated by Act of Parliament. Robert II., son of Robert Bruce's daughter Marjory by the High Steward of Scotland, had, during the earlier part of his uncle King David's lifetime, no very near prospect of becoming successor to the throne. He had attached himself in youth to Elizabeth, daughter of Sir Adam Muir, who bore him several sons; but later on he espoused as his lawful wife Euphemia Ross, who became his queen and brought him two more sons: David Earl of Stratherne, and Walter Earl of Athol. After Euphemia's death, says Buchanan, the king, moved by the love he bore to the said Elizabeth Muir on account of her exceeding beauty, married her lawfully and induced his Parlia-

ment and people to accept her eldest son as his successor, Robert III. Against this extraordinary statement Mackenzie as Royal Advocate argues that Elizabeth must have been a lawful wife from the first, her son's legitimacy being recognised in more than one charter before the death of Euphemia Ross. It is curious that the actual facts were not ascertained till the Stuart race had ceased to govern, and that a Papal dispensation discovered in comparatively recent years should explain them. It would appear that some consanguinity between Robert Stuart and Elizabeth Muir had been little considered at the time of their union, but when advancing years brought their children nearer to a throne it had been thought advisable to secure their legitimacy according to Scottish law by remarriage under special sanction from the Pope.

It has already been mentioned that Sir Patrick Grahame, brother to the Lord of Kincarn, married Muriel, daughter of David Earl of Stratherne, who was Euphemia Ross's eldest son. The earldom of Menteith, for which Stratherne was somewhat arbitrarily taken in exchange by James I., continued to a long line of their descendants. It comprised a wild stretch of Highland country now familiar to tourists along the banks of Katrine and Achray, and the softer and more productive neighbourhood of the lake of Menteith, with its lovely islands, on one of which stood the owner's residence. Early in his reign, Charles I. had been considerably attracted towards a young accomplished Earl of Menteith. Offices were successively conferred on him, and jealousy was awakened. The Marquis of Hamilton, whose kinship with royalty entitled him to the nearest place of favour, insinuated to Charles that Menteith

prided himself on possession of legitimate, as distinguished from legitimated royal descent; and that he laid claim to 'redder blood than the king's.' Charles withdrew his favour, and dismissed its object to his Highland estate, where he dwelt thenceforth in obscurity. His son John, Lord Kilpont, joined the camp of Montrose, and perished tragically by an accident or crime, which afforded Sir Walter Scott materials for a novel. Kilpont left a son, William, who became Earl of Menteith. He had brothers also, of whom James was knighted, and resided partly in Ireland.

In 1679, the Earl of Menteith was a man of shrewd and genial humour, if traditions preserved by R. Chambers in his 'Picture of Scotland' may be credited. He was in uncertain health, was childless, and was separated from his countess under suspicions of misconduct on her part, which rendered any reconciliation between them unlikely. His uncle, Sir James, was his presumptive heir, and Sir James had only a daughter. The earldom could not pass to her, and must become extinct, unless death or divorce should give its present possessor leave to remarry, or unless some fresh settlement could be made by special permission.

When the royally connected House of Hamilton, about the date of the Restoration, had verged similarly on extinction, its renewal was secured by the marriage of its heiress Anne with a younger brother of the Marquis of Douglas, who also was of royal descent, and who adopted her surname and arms, in consideration whereof the king created the pair Duke and Duchess of Hamilton, with remainder to the lady's descendants. Menteith took counsel with Montrose, who represented the main stem of his race, and conceived

that some analogous arrangement might be permitted to his cousin Helena or Helen Grahame, daughter of his uncle Sir James, in case her future bridegroom were at once suitably qualified and likely to find grace in the eyes of his sovereign.

The earldom of Menteith at this time was impoverished to the last degree, and burdened with debt incurred for Charles I.; yet, under prudent and energetic management, its condition was not irrecoverable, and it was still important enough to fire the ambition of a laird situated as was Clavers. Whether or not his candidature for it emanated in the first instance from proposals on his own part, indubitably he flung himself into the scheme with eagerness. His letters to Lord Menteith have been printed in the 'Red Book of Menteith,' which is accessible to the ordinary student at the British Museum and other public libraries. His own admission in one of them that he was 'in love with the Isles of Menteith' may be adopted as a sufficiently accurate account of his sentiments. To do him justice, he is the only correspondent in the whole affair who appears to think the lady's personal feelings worthy of consideration. Her parents, and her mother in especial, aimed undisguisedly at disposing of her to the highest bidder. Marriages between persons of station in the seventeenth century were ordinarily matters of parental bargaining; and Clavers, like any other man of well-regulated morals in that age, would have contemned himself for caprice if he could not bestow a reasonable amount of affection on a young woman suitably qualified to be his wife. He had determined, before he had even seen her, to accept her hand for its concomitant advantages. He had doubt-

less determined also to love her if he could; and it may well be that, after entertaining that intention for more than three years, he had carried it out with sufficient success to cause himself pain at the last, over and above the disappointment of his ambition.

Long afterwards, when all negotiation with Clavers had closed, Sir James Grahame deprecated any further advice from him in the following terms: 'The hand of Claverhouse hath been in all these contrivances, whose ambitious thoughts to make himself the head of our ancient family brought all the trouble of my Lord Montrose's business upon you, for he will not deny that there was an agreement made, neither will my Lord Montrose, that before there was any proposition made to your Lordship for a match for either of them, that my Lord Montrose was to use his interest with your Lordship for such a settlement of your honours and estate upon Claverhouse, and Claverhouse was obliged again to make the estate over privately to my Lord Montrose; so that if we had made up such a match, both your Lordship and we had been fairly cheated.'

On the other hand, Clavers incidentally remarks that Montrose and Menteith had originally 'engaged' him in that business. In an early letter he thanks Menteith for an intention once entertained of making him next in the entail, 'especially in so generous a way as to do it without letting me know it.' It appears, therefore, that there was at first some idea of adopting him as heir without any matrimonial stipulation. Menteith's object was to relieve his estate by uniting it with some other property on which capital could be raised. Like many a man similarly situated he was reluctant to

alienate any of his overburdened acres. Montrose contemplated a summary process of relief such as the Encumbered Estate Court in Ireland a century later would apply; but he would take no trouble in the matter without a substantial consideration. His kinsman's judgment must have coincided with his own, and however willing Clavers might be, according to the professions in his letters, to employ his own money as far as it would go—'I would have brought in all mine to yours and been perfectly yours'—his resources were insufficient. If Montrose helped him to free the estate on its coming into his possession, he could only be expected to do so by purchasing some portion with money that could be applied to clear the remainder. It is likely they would conceal their intention if they knew Menteith's distaste for so vigorous a remedy; and in that way it may be true his lordship would have been 'cheated.'

Helen Grahame, however, was heiress to a fortune in right of her mother, and might render Montrose's intervention superfluous. 'Sir James and I together would have bought in all the lands ever belonged to your predecessors, of which you would have been as much master as of those you are now in possession,' continues Clavers. The Marquis must have seen his own advantage in the original design, or he would scarcely have traversed the second in the manner he did. But that Clavers had any idea of acquiring a mere title disproportionate to his patrimony, and of abandoning the interests it represented, is abundantly discredited by the course of events.

His first letter in the 'Red Book of Menteith' is undated, but seems to have been addressed to the Earl

in 1678. It presses upon him the importance of some decisive action to establish a successor in time, for 'it can do you no prejudice if you come to have children of your own body, and will be much to your quiet and comfort if you have none, for whoever you make choice of will be to you in place of a son.' He cites Roman examples of adoption, and, as his own advocate, suggests, 'there is nobody of my estate out of your name would confound their family in yours, and nobody in the name is able to give you these conditions, nor bring in to you so considerable an interest; besides that I will easier obtain your cousin-germane than any other, which brings in a great interest, and continues your family in the right line.' 'If you can think on anybody that can be more proper to restore your family and contribute more to your comfort and satisfaction, make frankly choice of him; for without that you can never think of getting anything done for your family. It will be for your honour that the world see you never had thoughts of alienating your family. Then they will look no more on you as the last of so noble a race, but will consider you rather as the restorer than the ruiner, and your family rather as rising than falling.'

Menteith came to a resolution of recommending Clavers to his uncle; and in a highly complimentary letter described him as possessing 'a free estate upwards of six hundred pounds sterling yearly of good payable rent near by Dundee; besides, he is captain of the standing troop of Horse in this kingdom, which is very considerable.' Permission to visit Sir James in Ireland in character of a suitor for his daughter was asked in conclusion, and Clavers despatched a messenger of his own to carry the request. No date is yet mentioned,

but the letter of recommendation had long preceded February 14, when Clavers wrote from Dumfries that he began to despair of an answer. He had received 'letters from my Lord Montrose, who gives me ill news, that an Irish gentleman has carried away the lady, but it is not certain, though it be too probable.' He goes on to protest unalterable friendship to Menteith whatever the event, but recurs to his topic of anxiety in a postscript: 'My Lord, I hope to hear from you, and know if you hear anything of what my Lord Montrose writes to me.'

No other letters allude to the matter during that summer. Montrose writes to Menteith on May 30 that he has met Clavers convoying army stores in the West, after a hot pursuit overnight of the Rutherglen insurgents, but mentions no private concerns. When or how a refusal was returned by Sir James and his lady does not appear, but in reality they had higher views for their daughter. They resolved on bringing her to London, and in October of the same year were lodging at 'the sign of the Blue Boar, at Mr. Gumleye's house over against St. Clement's Church, Strand.'

In the meantime Montrose had intervened in his own person by offering himself instead of his kinsman as the bridegroom. So dazzling a proposal involved conditions very different from those contemplated in the case of Clavers. Besides a large annual settlement by the parents on their daughter, Menteith was at once to convey his estate to the young Marquis, who was to pay him for life one hundred-and-fifty pounds a year. By the ensuing spring these terms had been finally agreed to; and Clavers, who seems to have been some time in London on visiting terms with Sir

James and his lady, had received a final dismissal, when King Charles, who had hitherto placed no impediment in the way, refused his sanction to a transfer of the title, saying that it could in no circumstances be taken from Sir James while he lived. Imagining that Clavers had in some way influenced the king to refuse, Montrose desired a personal interview with him. The Marquis suggested that their differences arose from mistakes, and that they 'might come to understand one another.' Clavers writes to Menteith: 'He told me he would settle the title on me if I would assist him in the passing of it. I told him that I had never any mind for the title out of the blood. He answered me, I might have Sir James's daughter and all. I asked him how that could be? He told me he had no design there, and that to secure me the more he had given commission to speak to my Lady Rothes about her daughter, and she had received it kindly. I asked how he would come off. He said, upon their not performing the terms, and offered to serve me in it, which I refused, and would not concur.' 'I went and told my Lady Grahame all. My Lord Montrose came there next day and denied it. However, they went to Windsor and secured the signature, but it was already done.'

The last sentence refers to the royal confirmation of Menteith's settlement of lands upon Montrose which required consent by the next heir, Sir James. Clavers proceeds: 'Sir James offered to perform all the conditions that my Lord Montrose required. He knew not what to say, and so, being ashamed of his carriage, went away without taking leave of them, which was to finish his tricks with contempt. This is, my Lord, in

as few words as I can the most substantial part of that story. My Lord Montrose and some of his friends endeavoured to ruin that young lady's reputation, to get an excuse for his carriage, and brought in my name, but I made them quickly quit those designs, for there was no shadow of ground for it, and I must say she has suffered a great deal to comply with your Lordship's designs, but could not do less, considering the good things you had designed for her; and truly, my Lord, if you ken her you would think she deserved all, and would think strange my Lord Montrose should have neglected her. My Lord, I know you want not the best advice of the nation, yet I think it not amiss to tell you that it is the opinion of everybody that you may recover your estate, and that you ought to come and make your case known to the King and Duke. Your family is as considerable as Caithness or Mauchline, in whose standing they concern themselves highly. My Lord, you would by this means recover your affairs, you would see your cousin, and you and Sir James would understand one another, and take right measures for the standing of your family. If you let your title stand in the heirs male, your family must of necessity perish, seeing in all appearance you will outlive Sir James, and then it would come to the next brother, who has neither heirs nor estate; so that your only way will be to transfer the title to that young lady, and get the Father and Mother to give you the disposing of her. The Duke assures me that if my Lord Montrose would have married her, the title should have passed, as being in the blood, and that it may be done for anybody who shall marry her with your consent.'

That his own candidature would have ensured the

royal sanction is therefore unmistakeable. The Government had found the man they wanted for Scotland. Where other officials flinched from responsibility he had drawn his sword in direct challenge at the right spot. That challenge had been answered by temporary defeat at Drumclog, but it had rendered abortive a long-dreaded explosion. From the hour when Bothwell rebellion collapsed, reaction set in. On July 18 following, by the first acquittal of accused Papists, the hapless queen was shielded, and Titus Oates, for the first time, openly discredited. Though fresh perjurers were suborned to reanimate it, the Popish Plot was thenceforward moribund; and its intended parliamentary consequences followed it to the grave. His descent from the Princess Mary, a grandchild of Elizabeth Muir, in so far as it asserted parity with the heiress of Menteith, and qualified him above others of her name to be her husband, would tend to lessen rather than augment whatever umbrage her ancestral pretensions might excite. They were not forgotten, for the Duchess of Hamilton wrote to Sir James Turner, November 4, 1678, that 'the Marquis of Montrose is to marry with the blood-royal.' From an earlier marriage of that same princess was derived the royal blood of the Marquis Douglas, and his brother, the Duke of Hamilton, whose matrimonial elevation it was proposed to imitate; and this analogy accounts perchance for a captious jealousy of Clavers subsequently displayed by those great nobles.

The Popish Plot was not yet, however, quite dead. Digressing to politics in the same letter, Clavers still fears that 'things must break out. I am sorry for it; but I know you, impatient of the desire of doing great things, will rejoice at this. Assure yourself if ever

there be barricades in Glasgow again you shall not want a call; and, my Lord, I bespeak an employment under you, which is to be your Lieutenant-General, and I will assure you we will make the world talk of us; and therefore provide me trews as you promised, and a blue bonnet, and I will assure you that there shall be no trews trustier than mine. My Lord, despond not for this disappointment, but show resolution in all you do. When my affairs go wrong I remember that saying of Lucan, "Tam mala Pompeii quam prospera mundus adoret." You have done nothing amiss, but trusted too much to honour, and thought all the world held it as sacred as you do.'

The *dénouement* of Montrose's intentions had taken place in May 1680. The lengthy letter, of which much is here omitted, wherein Clavers recounts it, is dated July 3, when he is on the point of leaving London for Windsor. He mentions slightly that his departure from England had been delayed by illness, in which chagrin might have a share. He concludes as follows: 'Let me hear from you, for if there be nothing for your service here, I will be in Scotland immediately, for now I am pretty well recovered.'

On May 27 Menteith had written an urgent appeal to the Marquis's honour, conjuring him to complete the marriage, in expectation of which, the settlement of property had been already signed. 'I am exceeding sorry you do not answer none of my letters, though I have written eighteen letters since you went from Leith,' is the reproachful concluding line.

On July 8 Clavers informs Menteith that he had represented the Earl's case to the Duke of York, 'as far as could be done without wronging my Lord

Montrose's reputation too much, which I should be unwilling to do, whatever he do by me. The Duke shook his head, and said "it was not right."' 'I am going, for aught I know, to Dunkirk with the envoys, to see the Court of France. I am only to be away eight days, so your Lordship may lay your commands on me.' On August 24 he replies to a communication from Menteith concerning his own affairs in Scotland, that he might have been alarmed had he not just received other information that 'they were never in better order, both the affairs of my estate and troop, only there was a stop in the passing my signature to the forfeiture, and I staid here on purpose for to secure it, which now I think I have done, though I never had reason to fear it.'

Probably this referred to an estate forfeited by MacDowal of Freugh, and granted to him as donator for the Crown. He goes on to commend Sir James and his lady; but, like Edith Bellenden in 'Old Mortality,' he puts the core of his letter into a postscript. 'My Lord, your cousin has been sick these ten days of the small-pox, but in all appearance will recover, though she has *them* mighty ill.'

Since she eventually married well in England, the young lady's attractions, it may be hoped, did not suffer very greatly.

CHAPTER VIII

1681

Courtship renewed—Letters to and from Menteith—Oaths and protestations—Uncertainties—Disappointment—Return to Scotland—Marriage of Helen Grahame—Menteith's divorce—Storm in the Firth of Forth—Court at Holyrood.

The Marquis of Montrose espoused the Lady Christian Leslie, daughter and co-heiress of the Duke of Rothes, as his kinsman had predicted he would do. He retained his hold on Menteith's property, and partly won the Earl's acquiescence, by promising to press his claims on the Crown for sums expended by his grandfather in Charles I's. service, and by representing himself as engaged in clearing from debt an estate which must return to Menteith's heirs male, should any be born. Menteith's letters exhibit him as alternately thanking and flattering 'so noble a friend,' despite the 'false and unjust aspersions that some unworthy and seditious persons, though they be of no mean quality, would make all men believe, that your Lordship's intentions were to build up your own family on the ruins of mine;' and again remonstrating indignantly against Montrose's so alienating portions of the property that they had passed even 'to Robert Stewart, the traitorous son of that cruel murderer of my father.'

In the summer of 1681 Clavers was again in London, and ardently renewing his suit to Sir James Grahame's daughter, independently of her lost expectations. It is not necessary to credit him with romantic disinterestedness; since, although he protests on one occasion that he would wed her were she entirely dowerless, there was no fear of his being taken at his word. As her mother's daughter, she was heiress to a very sufficient fortune, considering that his own had been reckoned at about six hundred a year. In their last despairing bid for the hand of Montrose, her parents had strained their resources to promise him four hundred and fifty pounds a year as her portion during their lifetime, and although Clavers might have to be content with very much less at present, the offer throws some light on the amount of her future inheritance. Isabella Lady Grahame was, however, by no means favourably disposed to his suit, unless it were a stepping-stone to the earldom. She wrote on July 15, that she had so far complied with recommendations from Menteith 'as to waive the propositions of two matches that the worst of them has two thousand pounds a year, besides a troop of horse, and a fair prospect of many thousands more, till such time as I hear what is your Lordship's pleasure, concerning the settlement of the honour of your ancestors and the recovery of such lands as formerly belonged to them; for, except your Lordship be very willing to assist as far as you can with convenience in those two particulars, you cannot blame me to decline all thoughts of matching her in Scotland, where she would be a daily spectator of the ruins of that noble family she came from.' But Clavers throughout adhered to his professions that he

would press Menteith for no absolute engagement in his favour, and desired 'only resolution to recover your business.' This was precisely what the Earl was unable to resolve. He seems by no means convinced that his chieftain had not grasped his ruined property to reinstate it for his benefit; and it should be remembered that Montrose's conduct is portrayed in the correspondence chiefly by the pen of Clavers smarting under recent disappointment. His own version is now irrecoverable, and his early and almost sudden death from fever may have frustrated his real intentions. Courtship lingered on through autumn. Clavers seemed afraid of expressing personal attachment to the fair Helen, or even of letting Menteith tell her 'what I have suffered for her' lest her parents should suspect him of trying to engage her affections without their consent, as Montrose had insinuated. He had withheld one letter written by the Earl in his favour, on these grounds; and he besought, on October 1, that another more cautiously worded might replace it.

'In doing this you do me the greatest favour I can receive of any mortal; so I hope, my Lord, you will think it worth the while to oblige a friend of yours at so high a rate; for though you never do more for me I will be eternally yours, and by getting me that young lady you make me happy, and without you I can never do it.' On the same date he writes another letter, separately, designing that it may be shown for his vindication. His friendship with the Earl had been endangered by reports that he had disparaged him to the Duke of Lauderdale, and he denies having done so with a vehemence of attestation, which, though not heedlessly employed, cannot be characterised otherwise

than as presumptuous. This fact limits rather remarkably a eulogy pronounced by Drummond of Balhaldy, and much relied on by moderns who have undertaken to rehabilitate the character of Clavers. 'Although somewhat hot tempered upon occasion he never was known to swear,' wrote Balhaldy, and it is fully possible that he wrote in good faith, upon the testimony of his father or grandfather, who knew Viscount Dundee intimately in the last year only of his life. Sensitiveness of ear with regard to a habit so sadly common among cavaliers that not even Charles I. was free from it, doubtless accompanied the Puritan breeding of his viscountess; and a few years' gentle domestic monition may have thoroughly cured a man never devoid of religious impressions. More than one oath may be found in the letters of earlier date printed by Mr. Napier, but none in the later ones.

Even a lover's patience wore out at last. In December Clavers wrote that it was 'prejudicial to be so unsettled either one way or other, and in the meantime my age slips away, and I lose other occasions, as I suppose the young lady also does.' In reference to the Earl's activity against rebels he had previously remarked, 'You have now taken my trade off my hand, that you are become the terror of the godly. I begin to think it time for me to set to work again, for I am emulous of your reputation.' During three years past much valuable time had been consumed by his entanglement in Menteith's affairs, and attendances at court consequent upon it. He did not quite despair, but had returned to Scotland; while Sir James and his family had also left London, as he opined, for Ireland, and would be unwilling to cross the sea again.

Two more letters from the scene of his active duties have been preserved; one on February 17, 1682, scarcely begun when it is cut short: 'There is a water rising betwixt me and the other half of my troop, so I must decamp!'—another a little later on, showing that he had sent an ambassador to Ireland, and anxiously desiring to arrange a personal consultation with Menteith at some meeting-place he could reach without deserting the military post confided to him. Before another twelvemonth was out, Helen Grahame was married to Captain Rawdon, nephew and heir-presumptive of Lord Conway.

Menteith now prosecuted his divorce suit in earnest, hoping that his settlement on Montrose might be nullified by the entail. Fountainhall registers on many occasions the vicissitudes of the process, so hotly debated one day in February 1684, that the learned advocates challenged each other to a duel, and were incarcerated. The Earl grew tired of delay, and married again ere his liberty was decreed. April 1, 1684, Fountainhall notes that 'there is a libel exhibited by the Countess of Menteith, and owned by the Marquis of Montrose and Ross of Auchlossan, against the Earl of Menteith for bigamy.' Auchlossan was one of the co-respondents, and the celebrated Beau Fielding was another. Montrose died in the summer of that year. In the middle of July the Earl, 'having componed with the Marquis of Montrose's tutors, and made himself a naked life-renter, and also agreed with Ross of Auchlossan not to pursue him for bigamy,' the divorce was quickly pushed forward. November 10 saw its final completion. Menteith's second marriage proved childless like the former,

and he died, after the Revolution, the last of his titled line.

Mr. Napier was unacquainted with the Menteith episode in his hero's life, when he observed that the most remarkable thing that appears to have happened to Clavers during the years 1680–81 was his being nearly drowned. Alexander Tyler, clergyman of Kinnettles, in Angus, printed a curious poem entitled 'The Tempest,' being an account of a dangerous passage from Burntisland to Leith in a boat called 'The Blessing,' in company of Claverhouse, several gentlewomen, ministers, and a whole throng of common passengers, upon the 26th of November 1681. Reprinted 1685.'

Strong gales sprang up suddenly just after the skipper, Douglas, had put to sea, and their effect on the nerves of each class of passengers is humorously depicted. The ministers are described as more apt to preach contempt of death than to evince it practically. On Clavers the ensuing lines are bestowed :—

> Courage is still the same, on land, at sea;
> He who can boldly kill dares bravely die;
> Yet he whose ire hath smiled on seas of blood
> Looks pale on water, in his coolest mood;
> Soldiers' stern fire abhors the death of slaves;
> It can't resist, nor vengeance wreak on waves.
> Mars crops his fame on camps, fields, cities hie,
> But what's ten thousand swords against a sea?
>
> . . . . . .
>
> The sea bears us; and we bear up a sea
> Of many tuns to Leith's port, custom free.
> We shake our ears, hats, clothes, and in a trice
> We creep on shore like water-duckèd flies.
> That we 'scaped monster's maws and our last fishing,
> God, by good Douglas, gave us with A Blessing.

Mr. Napier justly remarks that Clavers, so early as 1681, had acquired no fame for bloodshedding in Scotland, so that his renown on the Continent must be alluded to. However consonant, therefore, may be the mention by a friendly writer of 'ire' which smiled on seas of blood with a reputation acquired in later times, it is absolutely certain that its appropriateness is fortuitous. At Drumclog, where the blood of his own soldiers chiefly dyed the ground, he cannot be supposed to have smiled. The slaughter at Bothwell was attributed to him by no writer whatever before Sir Walter Scott misconceived the words of a ballad. The original verses do not infer that Clavers continued slaying, but that he swore to avenge his cornet, and resented the command which restrained him.

Upon the barbarities ascribed by Lord Macaulay, on Burnet's authority, to James Duke of York, in the Scottish Council's torture-chamber, during these years there is no occasion to enter. Clavers could not be implicated in them if they happened, for he was not yet a Privy Councillor. At some of the ceremonials and festivities that took place while James and his beautiful young duchess, Mary Beatrice of Modena, kept court at Holyrood, he was most likely present, and subsequent incidents indicate that he had not passed unnoticed by his future queen. Philip of Almryclose, in his 'Grameid,' says that King James at the Revolution trusted Dundee to effect the escape of his wife and child. His exceptional private character and familiarity with Continental speech might recommend him for the charge, but Count Lauzun relieved him of it.

Few visitors to Holyrood can spare interest from her whose earlier presence pervades its sad and moulder-

ing stateliness, although Miss Strickland has pointed out that many things which tradition has associated with Mary Stuart pertain in all probability to that later Queen Mary, who was not yet crowned when she made use of them. On their first coming down to Scotland, the Duke and Duchess of York occupied what were called the Hamilton apartments, including those now shown as Lord Darnley's, the royal apartments in the newer wing of Holyrood being still incomplete. A little later on, the same rooms were lent to the Countess of Errol, of whose gay coteries Clavers was a member. Able and cultivated beyond the average of females at that period, she was the active coadjutor of her brothers Perth and Melfort in their schemes of aggrandisement, and Clavers kept up a friendly acquaintance with her and them to the end. There are stiff high-backed chairs and couches now remaining whereon he must have rested; upon those faded marqueterie tables he may have written at Lady Errol's dictation, for she gave advice and dictated not a little to statesmen of her epoch. In those deep window-embrasures he leaned in whispered conference with handsome keen-visaged Lord Perth and his handsomer brother Melfort; or talked with Lord Advocate Mackenzie, whose intimacy with him is first suggested in the Menteith letters, on matters less recondite and more philosophical, his dark eyes flashing occasional fire from beneath their slightly drooping lids, and the slow, distinct articulation of his native Angus gliding into musical cadence—the old Court Scotch regretted by Argyle in Sir Walter's 'Heart of Mid-Lothian,' after the Jacobite gentry of Angus and Aberdeen had forsaken Holyrood for ever. Tea parties were first introduced

in Edinburgh by Mary Beatrice; balls were given in the newly finished Long Gallery of Kings; even a masquerade was attempted; and plays were acted by Princess Anne and her ladies of honour. Milton's 'Comus' and 'Mithridates, King of Pontus' were among the pieces performed.

CHAPTER IX

1682

Trial of Argyle—Sheriffdom of Wigton—Letters to Queensberry—Rencontre at 'the Bille'—Report to Privy Council.

Mortified in his ambition or wounded in his tenderer affections, Clavers was not one to wish himself at the bottom of the Queensferry while work remained to be done for the cause he had embraced. Returning from the direction in which lay his own estates, towards Edinburgh, when he experienced the storm Mr. Tyler has preserved in memory, he had probably prepared for a long absence. A new commission more extensive than he had yet held was about to be entrusted to him in Galloway. It came to him by means of the new Test Act, passed by the Scottish Parliament of that year 1681, in imitation of the English Test Act against Popery, but conceived in a different spirit. All persons holding public offices were required on oath to profess the Protestant religion, to refuse consent to any alteration of it as by law established, and to renew their allegiance to the king and his lawful heirs; at the same time declaring covenants and assemblies, and the Solemn League and Covenant in particular, unlawful without royal licence. Sir James Dalrymple of Stair, Lord President of the Court of Session, himself a

Presbyterian, had contrived that the Confession of Faith recorded in the first Parliament of James VI. should be named as defining the Protestant religion. This was opposed to existing Episcopacy ; and thus the Test became self-contradictory. Many conscientious Episcopalians refused to take it; and an explication was issued to the effect that every clause in the Confession of Faith was not intended, but only the true Protestant religion contained therein, as opposed to Popery and fanaticism. It is well known that the Earl of Argyle took the Test with an added explication of his own, and was pursued for treason. He was tried on December 13, and, whatever may be thought of his actual guilt or innocence, or urged in mitigation of the Duke s real intentions towards him had he not escaped from prison, it was simply iniquitous that Clavers and the young Marquis of Montrose should have been placed on the jury of fifteen that convicted him. How could either of them have been 'purged of partial counsel or malice against the defender,' when, to both, his name and aspect must have conjured up visions of the balcony at Moray House, whence he had pointed out to his new-wedded bride the sufferings of Montrose as a raree-show, of the scaffold whereon he watched not only the hanging, but, after a long hour's patience, the dismemberment of the hero who, to one of them, was a revered progenitor, to the other, chieftain and ideal example?

Lord President Dalrymple, who had helped to compound the Test, refused to take it. So, among many others, did Sir Andrew Agnew of Lochnaw, hereditary Sheriff of Wigtonshire. Clavers replaced him, with extended powers. His commission has been printed

by Wodrow. At the same time he was again appointed Stewart-depute of Dumfries, Kirkcudbright, and Annandale. Queensberry, now rapidly rising to the predominance which Lauderdale's failing health compelled him to relinquish, had shown himself three years ago ill-disposed towards the depute whom the Government pressed upon him. Personal acquaintance in Edinburgh had remedied his jealousy; and correspondence of a cordial nature now went on for many months between them. Clavers's letters to Queensberry, discovered by Mr. Napier, are printed at length in his volumes, and well repay perusal. He called himself now a Galloway laird, for he was Crown donator to the forfeited estate of M'Dowal of Freugh, who had been in Bothwell rebellion. 14,000*l.* had been expended in suppressing the insurrection; and it was resolved to recoup the Exchequer at the rebels' cost. Forfeited lands were granted to new possessors; subject to payments until the above sum should be recovered; and those who held under such tenure were called donators. Freugh had fallen to Clavers in the distribution, but it had not yet afforded much profit. Many rebel landholders kept possession, defied magisterial authority, and enjoyed connivance. Field conventicles continued. Under Sir Andrew Agnew and Viscount Kenmure, the south-west corner of Scotland had stood out in passive resistance till the beginning of 1682, in spite of Clavers's military visits to it. He could do little in aid of magistrates who did not really desire to have their executive strengthened; so he stepped into their place to do the work they had left undone; and the potentates of neighbouring shires were stirred up to compete with him in thoroughness

of procedure. 'My Lord Duke Hamilton,' he writes, 'was pleased to tell me before I parted that I would do well to lie close in houses, for he would make it so uneasy for the Whigs to live in the West that he would send them all in to me, but, by what I see as yet, I send more in on him than he does on me.' He adds a postscript: 'Since writing my letter the Provost of Wigton came to me and complained of my Lord Kenmure deforcing a messenger first; and then the second time, his factor robbed the messenger, and would force him to swear he should not reveal he had taken the letters from him. This is a high misdemeanour, and it is fit your Lordship make him sensible; for this and other things might help to ruin a man had no friends. Your Lordship may see by this how necessary a constant force is here for the execution of the laws in ordinary cases betwixt man and man, let be in the concerns of the Government.' A few days later he writes, 'For my Lord Kenmure, I have taken information of his business, and he will not be as yet unworthy of your protection.' He thanks Queensberry for exact replies to his questions, which others neglect, 'especially my good friend the Advocate, who writes to me very kindly but very little in return of anything I desire of him; but I know he ordinarily loses the letters and forgets the business before he have the time to make any return.'

He thus describes his procedure: 'The way that I see taken in other places is to put laws severely against great and small in execution, which is very just; but what effects does that produce, but more to exasperate and alienate the hearts of the whole body of the people? for it renders three desperate where it gains one, and your Lordship knows that in the greatest crimes it is

thought advisable to pardon the multitude and punish the ringleaders where the number of the guilty is great, as in this case of whole countries. Wherefore I have taken another course here. I have called two or three parishes together at one church, and after intimating to them the power I have, I read them a libel containing all the Acts of Parliament against the fanatics, . . . and in the end told them that the king had no design to ruin any of his subjects he could reclaim, nor I to enrich myself by their crimes, and therefore any who would resolve to conform and live regularly might expect favour; excepting only resetters and ringleaders. Upon this on Sunday last there was about three hundred people at Kirkcudbright Church, some that for seven years before had never been there. So that I do expect that within a short time I could bring two-parts of three to the church. But when I have done, that is all to no purpose, for we will be no sooner gone than in comes their ministers, and all repent and fall back to their old ways; so that it is vain to think of any settlement here without a constant force, placed in garrison; and that is the opinion of all the honest men here, and their desire.'

He goes on to suggest the raising of a hundred more dragoons for garrisoning the country. He would take their superintendence 'without any pay;' and hints various ways of raising necessary funds for their maintenance. The governorship of the Bass Rock need not be renewed, seeing there was nothing to guard except 'Solan geese, and ministers. . . . I should take horses here among the suffering sinners; and I take the liberty to say that, whatever may be taken to do it, we need more horse and dragoons.'

On March 5 he writes: 'My Lord, there will be a necessity before I can settle this country that I have leave yet to give the bond to little people' (persons of minor station), 'for there are a great number guilty, especially of the second rising and mustering, for which your Lordship remembers I was sent hither. And all people that went not out of the country, I think there should be some test of loyalty put to them and so many years rent taken off them, and then secured of their life and fortune; and if the Council thought fit, with some instructions I might do this.'

The second rising, for which he says he was sent to Galloway, must have been evoked by the preachers Cameron and Cargill. The former had published a declaration at Sanquhar, in June 1680, disowning, and declaring war against, Charles Stuart and his principal Councillors. The latter had been surprised at Borrowstonness with a Teviotdale small proprietor, Hall of Haugh-head, but was rescued by a local mob, consisting chiefly of women. Haugh-head was too much injured in the scuffle to effect his escape. He died shortly afterwards, and on his body were found papers, some of which were printed by the Government and known as Cargill's Covenant. Retiring to the west, Cargill had maintained excitement there in conjunction with Peden and Cameron. At Airdsmoss, in Kyle, an engagement occurred with Clavers's men, June 22, 1680, deserving nearly as much as Drumclog the name of a battle. About as many lives were lost as on that previous occasion, and Creighton was so severely wounded that he was invalided for two years thereafter. But this time victory was to the troopers, and was won by Clavers's lieutenant, Andrew Bruce of Earlshall. Cameron, ex-

claiming 'Lord! take the ripe and spare the green!' fought heroically and was slain on the spot. Hackston of Rathillet was wounded and taken alive. He was hanged at Edinburgh, undergoing the punishments for murder and treason combined. His hands were cut off as a preliminary, which was not without precedent in cases of aggravated homicide. Fountainhall mentions a man hanged for wife-murder whose right hand was first amputated. There is nothing to connect Clavers himself with the Airdsmoss triumph, or with the exposure of heads and hands belonging to the fallen which ensued it, conformably to the taste of the period.

Thereafter, in September 1680, Cargill, at a great conventicle assembly at Torwood in Stirlingshire, had excommunicated and delivered over unto Satan, Charles Stuart, his Popish brother, and his principal Councillors. In 1681 he also was captured and hanged at Edinburgh.

'It will be of more consequence to punish one considerable Laird, than a hundred little bodies; besides it is juster, for these only sin by the example of those,' wrote Clavers in the same letter of March 5. He was not, however, inexorable even to a laird who had been one of the principal heritors at Bothwell and denounced in a recent proclamation. 'Barscobe is very penitent,' he remarks in a later letter, 'and offers, if he could get a remission he would be active and useful to me in the business of the Glen-kens. A word to the King or Duke would do the business.' This was written on a Saturday at Kirkcudbright; and on Sunday he appends a P.S.: 'Since the writing of this I have been at church, where there was not ten men and not above thirty women wanting, of all the town. Where there used to be ten I saw six or seven hundred, and amongst

others there was one Gordon of Barharow (to whom, being a rebel heritor, I had given safe-conduct to come and treat his peace), appeared in testimony of his sincere conversion.' A fortnight later, 'Barharow has assurance of his peace from the Council.' A little earlier Clavers had captured 'that great villain M'Clorg, the smith at Minnigaff, that made all the *clikys*, and after whom the forces have trotted so often. It cost me both pains and money to know how to find him. I am resolved to hang him, for it is necessary I make some example of severity lest rebellion be thought cheap here. There cannot be alive a more wicked fellow.'

'Clikys' are believed to have been hooked knives set near the end of a pike to cut cavalry bridles. They recall the hooked spears employed by the first Grahame. M'Clorg was not destined to be the first victim of 'Bluidy Clavers.' He was conveyed to Edinburgh with Barscobe and other prisoners, being named there with them in a letter to be found at p. 165 of the 'Cloud of Witnesses.' In May 1684 he was again at large; for a fugitive list of that date printed by Wodrow contains 'John M'Clurg, smith in Minnigaff.'

Clavers personally accompanied his prisoners to Edinburgh; and gave in a report of his proceedings to the Council. He says, 'I am so happy as that they all seem satisfied, and particularly the General. How long it will be so, God knows!'

General Sir Thomas Dalyell, now verging on eighty years of age, had succeeded Linlithgow and Monmouth as Commander-in-Chief. He was chafed by the independent authority allowed to his rising subordinate, who hints in a previous letter that if he should exercise it in a military detail 'the General will be mad.'

About the middle of May he again personally reported his measures. 'May 15, 1682,' says Wodrow, 'Claverhouse gets the Council's thanks for his diligence in executing his commission in Galloway.' On the 20th, General Dalyell received instructions to carry out similar measures in the shires of Ayr and Lanark, to meet Clavers at Ayr and confer with him respecting the proper methods to be employed; 'and upon the whole matter' he and Clavers were 'to come in and give account to the Lord Chancellor.' Having done so the Sheriff of Galloway journeyed back to his proper sphere of duty, when an incident occurred which he thus related to Queensberry, then residing at Sanquhar.

Dumfries, June 17, 1682.

My Lord,—I thought to have waited on your Lordship before this, but I was stayed at Edinburgh two days beyond what I designed, which has proved favourable for me. Yesterday when I came at the Bille I was certainly informed that several parties of Whigs in arms to the number of six or seven score were gone from thence but six hours before. They came from Clydesdale on Monday night and passed Tweed at the Bille going towards Teviotdale, but went not above three miles further that way. They stayed thereabout divided in small parties, most all on foot, Tuesday, Wednesday and Thursday, till Friday morning, when they passed the hills towards Clydesdale. Some say they had a meeting with Teviotdale folks; others would make me believe that they had a mind for me. They did ask in several places what they heard of me, and told they were sure my troop was far in, in Galloway. . . . They gave nowhere that I could learn any account of their design there, only I heard they said they were seeking the enemies of God.' . . .

June 27 Queensberry, from Sanquhar, wrote to Sir

George Gordon, Lord President: 'Matters here and in Galloway look very well, without the least appearance of trouble; but for all that the forces must not be removed for reasons your Lordship shall know at meeting. I doubt not but your Lordship has full account of *Cleveres' rancounter att the Bile*. It was good he came not a day sooner, for certainly their design was against him.' In a letter to Menteith, Clavers explained on a former occasion that 'the Bille' was situated at a distance of eighteen miles, on the road from Edinburgh. Could it have been a post-house—the Bell?

Once more before the end of the year the sheriff gave in an official report. In the Aberdeen papers printed in 1851 for the Spalding Club is an abstract of it in his own handwriting, which, if the superscription—'For the Lord High Chancellor of Scotland'—be of the same date, was made at the end of 1682; for Sir George Gordon, soon after Earl of Aberdeen, was not Chancellor till then. Mr. Napier's work contains the whole. Here the commencement and the close must suffice.

'Claverhouse, being called before the Committee of Council, gave this account of the affairs of Galloway:—

'That there was no need to tell them what was the state of it before he went thither, seeing the Government had looked on it for many months before as almost in a state of war; and it was thought unsafe for anything less than an army to venture into it. And at his arrival there he knew not what to say of it, finding above three or four hundred people actually guilty of the late rebellion, who, notwithstanding, had lived these three years by-past almost in perfect freedom, and possessed in despite of authority betwixt thirty and forty

thousand merks a year, and that besides those there were many hundred more guilty of reset and communing with rebels who were all on wing. The churches were quite desert, no honest man, no minister in safety.' . . .

'It may now safely be said that Galloway is not only as peaceable but as regular as any part of the country on this side Tay; and the rebels are reduced without blood, and the country brought to obedience and conformity to the Church government without severity or extortion; few heritors being fined, and that but gently; and under that none is or are to be fined but two or three in a parish. And the authority of the Church is restored in that country and the ministers in safety. If there were bonds once taken of them for regularity hereafter, and some few men put in garrison, which may all be done in a few months, that country may be secure for a long time both to King and Church.'

As to the means whereby pacification had been accomplished, the report fully justifies Wodrow's charges of plundering and oppresssion; it being understood that the goods plundered were legally forfeited. There is enough also to show that as yet Clavers had put no man to death in cold blood, though he now held a justiciary commission with full powers to try and condemn.

CHAPTER X

1682

The Dalrymples of Stair—Conflict with Sir John—Oppression—Legal proceedings—'Box in the ear.'

When, in March 1682, the Sheriff of Wigton wrote that it was 'of more consequence to punish one considerable Laird than a hundred little bodies,' he had determined on the particular example to be made. A slight digression on his chosen object of enmity is requisite.

Sir James Dalrymple of Stair was descended from an ancient family in Galloway. He was one of the ablest lawyers Scotland ever produced; and his son Sir John, distinguished for beauty of person and powerful eloquence, was not inferior to him. In youth Stair had killed the slayer of his father, had fled in consequence from Scotland, and had returned during the civil war to fight on the Parliamentary side. Wild stories clustered about his name in his own century and the next. He had entertained, it was said, so inveterate a personal hatred for Charles I. that he had taken the headsman's place, and, disguised by a black visor, had given the fatal blow which no hireling had nerve to strike. His wife, to whose counsels he owed much of his success, was a witch, who sat beside him in the

shape of a cat in the Court of Session that she might whisper at his ear while as Lord President his judgment was exercised on difficult matters. His daughter Janet, whose disastrous marriage to Sir David Dunbar of Baldoon has been since celebrated in the 'Bride of Lammermoor,' had solemnly betrothed herself to Satan in case she ever broke faith with a previous lover, and the diabolical substitute had claimed her promise and maltreated her earthly bridegroom. Long after his sudden death in 1695 Stair was said to be still living, beyond a hundred years old, having disappeared into obscurity as a kind of penance for the slaughter of Charles I.

Janet Dalrymple's madness and death, and an accident occurring in this very summer of 1682, whereby Sir John Dalrymple's eldest son lost his life at the hands of his younger brother, afterwards Earl of Stair, were real fatalities, strange enough to attract notice in a superstitious age; and when coupled with Sir John's subsequent responsibility for the Massacre of Glencoe, to be regarded as retributive for some great guilt incurred by the family which suffered them. How far that otherwise unaccountable malice which prompted treacherous cruelty in the Master of Stair against a remote Highland sept, can be resolved into spite against the attached adherents of a personal enemy, must be left for the reader's consideration, after Clavers's dealings with the Dalrymples have been recounted.

Sir James had determined to refuse the Test Oath, when so fenced as to render the Presbyterian clauses of the Confession of Faith he had inserted in it of no avail. His son Sir John was less scrupulous, and it was hoped that, by timely resignation on his father's part

ere the oath was pressed, he might succeed him and accept the Test in his place. No such compromise was permitted; and Stair returned to his country home a disappointed man. His hereditary jurisdiction, the regality of Glenluce, was allowed to Sir John at the price of the Test. But the new Sheriff of Wigton and Kirkcudbright had been appointed expressly to remedy the negligence or weakness of former magistrates; and he was empowered to punish offences which they had failed to pursue adequately, but only in cases where he was 'first attacher.' One of the earliest discoveries he made was that the Dalrymples had allowed the laws against fanatics to lie idle in their domain; and that the reason was not far to seek. Dame Margaret Ross, Lady Dalrymple, high-spirited and imperious beyond her husband's control, was one of the chief resetters of conventicle preachers in Galloway. Sir James, a year or two later, wrote to Queensberry: 'When Claverhouse first came into Galloway, and gave me a visit before the pique between him and my son, he did very friendly tell me I had need to walk warily, and desired to know in whose friendship I did repose. I told him my confidence was in your Lordship.'

'In end there will be need to make examples of the stubborn that will not comply; nor will there be any danger in this after we have gained the great body of the people,' wrote Clavers in April. He had at first accepted the excuse that some 'cannot keep the preachers from their house in their absence, so mad are some of their wives.' He soon found 'all the Lairds in this shire following the example of a late great man and still a considerable heritor among them,' of laying all the blame on their wives; but he 'resolved this jest

shall pass no longer, for it is laughing and fooling the Government.'

In July Sir James, beginning to conceive that he might need support against pressure which the sheriff was putting upon his son, indited to Queensberry a conciliatory letter, making the best of the conditions that had subsisted before troops arrived. 'Had they come two or three years sooner, neither they nor we would have needed the trouble; for this little shire till then was all orderly and quiet as any other in Scotland.' (If true, this sustains an idea that the Conventicle excitement was increased about 1678–9, for a political purpose.) Military parties, he says, at Ayr and Dumfries forced the hill-preachers into that angle of country; and the people gazed at them as a novelty. He has so far been 'much obliged to Claverhouse for his civility.' One reads the rest of the letter with something like compassion for his incomprehension of the character with which he and his son had to deal. The whole question whether or not the sheriff should intrude upon his son's magistracy, seems to him a pecuniary one. His mistake was ruinous. The sheriff's next action confirmed him in it; for it happened to be a seizure of goods within his jurisdiction, belonging to an outlaw who had fled. It was followed up by proclamation at church, after service, according to Orders of Council, of a head court to be holden by the sheriff himself at Glenluce on August 6. Sir John, as bailie of regality, forbade the people to attend it. With his father, Sir James, he went alone to meet the astonished sheriff; and after vainly endeavouring to convince him of the legality of their proceedings, offered him (by his account) a bribe of a hundred and fifty pounds sterling

to desist from interference in their domain. Fountainhall, Sir John's lawyer, defines the accusation as of a bribe 'to connive at the irregularities of his mother the Lady Stairs, her sisters and others,'[1] meaning their attendances on field-preaching, &c. The tone of Stair's letter to Queensberry renders it easy to conjecture an offer to make up the roughly estimated value to the sheriff of those minor fines that would go into his own pocket in course of law. That he took fire at the idea, and broke off further conference, is equally discernible from Sir James Dalyrmple's next to Queensberry.

Carsecreoch, August 8, 1682.

My Lord,—Claverhouse came to the parish Saturday last; and, upon some mistake, went away without doing anything concerning disorders in this regality, but as to six or seven whom he carried prisoners to Stranraer. My son will give your Lordship account of all that passed and will take his direction from your Lordship entirely. I have the honour to be related to your Lordship, &c.'

The sheriff's power of interference with the jurisdictions of inferior magistrates had been intended to be supplementary. Only where he was 'first attacher'—in other words, where a culprit had not hitherto been prosecuted—could he adjudicate. Taking advantage of this technicality, Sir John, as bailie of regality, called a court of his own, appointed officers, rapidly examined his father's tenantry, and fixed small nominal fines for their offences in order to prevent the sheriff's investigations. Suddenly a hand of iron made itself felt within the silken glove. The sheriff, so lenient hitherto, stretched his powers to their extreme extent. He

[1] *Hist. Notices*, Dec. 14, 1682.

had previously remarked that hardly any man in the shire, where Bothwell heritors had been so long unmolested, was free of reset and converse, and that he could hold their consequent liabilities over people's heads to keep them 'in reverence.' He now cited before his own head court nearly every official of Sir John's minor tribunal, as well as his tenants, imposed the full penalties to which they were liable, and threw them into prison as defaulters for not paying the manifestly impossible amount. Thereby he paralysed Sir John's collusive action; and then betook himself to Edinburgh, to answer before the Council the complaints which the Dalrymples naturally preferred.

Their appeal was heard; and, taking at first their view that the dispute was based on self-interest, the Council liberated the imprisoned debtors, consigning their exorbitant fines, near a thousand pounds sterling, 'in the hands of their clerk,' till it should be decided who had right to them, they being under the degree of heritors. Heritors', i.e. landholders', fines went into the Exchequer; those levied on tenants formed part of the revenue of hereditary jurisdictions. New light dawned, however; for a recommendation was added that heritable magistrates, negligent themselves, should not offer to compete with commissioned sheriffs who put the laws vigorously in execution.[1] Some attempt had been made to get rid of Clavers earlier, for Tarbet, Lord Register, writing to Queensberry on April 18, remarks, 'I have sent some papers which I had from Clevres to his Royal Highness, which will show how well you judged him fit for that employment. I wish that thoughts of removing him be dashed.'[2]

[1] Fountainhall. [2] *Queensberry Papers*, quoted by Napier, ii. 290.

Able though they were, the Dalrymples felt that they had now met their match. Lady Stair fled the country; and her husband soon followed. A letter of his, dated September 15, complains that a citation was out against himself, and that he was in danger of arrest; and, although Clavers denied having directly ordered this, and the Council recommended that he should not proceed on the citation he said his brother might have given, Stair was too uneasy to remain within reach. He professed that no ground of accusation was mentioned against him, except that young Craichlaw, a rebel since received to mercy, had been harboured a year ago in his house during his absence; yet he adds, 'It is like great noise will be made of my consciousness to some strange guilt, but I thank God I am conscious of none, but have most loyally and affectionately served the king.' Among complaints made later against Chancellor Aberdeen was placed first, 'That when Claverhouse craved a warrant from the Privy Council that Sir James Dalrymple of Stair might be cited for treason in resetting inter-communed ministers in his house, and offered to afford probation, the Earl of Aberdeen, then Chancellor, did oppose and stop the same, and called it pique in Claverhouse.[1]

Sir John Dalrymple publicly presented to David Grahame, quarter-master and brother to the sheriff, in name of his shire, a complaint against the forces in Galloway. Clavers caused it to be read at one of his courts that autumn, where a large number of heritors were present, and it was by them disowned.[2] Sir John sustained it, and reproached the sheriff openly with

[1] Fountainhall, *Observes*, p. 129.

[2] 'Register of Privy Council,' quoted in Napier, ii. 298.

exceeding his commission. Clavers commanded him to silence; upon his persistence threatened him with imprisonment; and, at length, to use Sir John's words, 'became so rude and enraged that, though there were an hundred present who were not members, yet Claverhouse did cause his soldiers and officers take the complainer by the shoulders from the table, which was an indignity that His Majesty's justice and princely generosity does not allow to be offered to a gentleman.'

On September 29 Clavers was thanked once more for his conduct in Galloway, and recommended most seriously to put the laws vigorously in execution against delinquents; withal taking pains to see the country people paid for all they supplied to the soldiery. This formal encouragement was signed in name of the Privy Council by his 'affectionate friend, Hamilton.' Sir George Mackenzie, the Lord Advocate, a real, not conventional, friend, remarks next day to the Chancellor: 'We sent a letter recommending to Clavrose to put the laws in execution, and promising to assist him, which he desired, because he heard that people were, since Sir John Dalrymple's process, slackening. But Duke Hamilton scrupled much at it; till I pressed it, and told him I had seen accounts which made it necessary.'[1] On the same day, when his adversary was thus encouraged, Sir John wrote to Queensberry that the instructions given to Clavers and himself in the Council Chamber were entirely broken by the former; who 'gave out that neither Treasurer nor Chancellor were so frank for him as they ought to be;' and that their orders could not bind him. 'I did say to my Lord Chancellor and your Lordship, that if Claverhouse did

[1] *Aberdeen Papers.*

not insist against me, I should raise no libel against him concerning free quarters, and the exacting of money from persons that went to church and lived regularly, nor concerning the violence done to the members of my Court. Now I know not what he intends, and I may be taken *tarde*. Therefore, I humbly presume that since I had forborne out of no diffidence to press these points, but submission to your Lordship's and the Chancellor's commands, that, if he attack me, I may have a competent time, and warrant to adduce my witnesses.' He went on to deprecate those fixed garrisons which Clavers so strongly recommended. He proposed to cause 'the whole inhabitants give bond that they should keep the kirk and live regularly in time coming, if this may be sufficient to keep the peace without forces.' Here also he was thwarted by his enemy. 'Clavrose has broke a cabal that was designing in Galloway to undertake for the peace of the country as Clydesdale did,' wrote the Advocate to the Chancellor on October 10. On the 11th, Tarbet, the Register, commenced a letter thus,—

Right Honourable,—We have little to say from this, all being at peace, only the business between Clevres and Sir John Dalrymple seems to grow. I wonder of Sir John's prudence! The Bishop of Galloway is here, and tells me that the supporting of Clevres there is positively essential for the quiet of that shire, and thinks the consequences will be bad if that be not done; and that the doing of it will bring that shire as well to a real and true, as to outward, submission.

Dalrymple may have begun to feel perplexity when he wrote of his opponent, 'I know not what he intends.' One thing at least Clavers did not intend—to shirk

inquiry, or to compromise in any wise through fear of it. Threats used against him were not permitted to remain indefinite. Competent time had been allowed when the last month of the year was reached. Clavers then turned upon his accuser, and, securing by his initiative the formal concurrence of his friend the Lord Advocate, presented on December 14 a bill of complaint before the Privy Council, bearing that Sir John had 'weakened the hands of the Government in the shire of Galloway, in traversing and opposing the commission which the King's Council had given to Claverhouse,' and that 'he had traduced and defamed Claverhouse as a contravener of the laws against free quarters,' as 'usurping the King's prerogative by remitting Hay of Park and others for treason,' and as having 'cheated the King's treasury by exacting fines of heritors, and not accounting for them;' all which recriminations were contained in a libel drawn up by the said Sir John, and intended to have been given in by him against Claverhouse to the Council, and which he ought either to prove or else be punished as the author of an infamous libel.[1]

Sir John's answers were read, and a technicality seized on, to compel—or, as Fountainhall elsewhere puts it, 'to hook him to give in his counter-libel.' He could no longer avoid doing so, and Lauder of Fountainhall himself, with Sir George Lockhart, undertook his case. 'There was much transport, flame, and humour in this cause,' says Fountainhall, and thenceforward his notices of Clavers tend disparagingly. One cannot help guessing that his cross-examination was baffled by keener talent than his own, and that astute

[1] Fountainhall's *Decisions*, p. 201.

endeavours to extract a damaging admission from the sheriff that Galloway, before his activity commenced, contained a majority of 'orderly and regular persons,' met the sweeping rejoinder, 'As many as there were elephants and crocodiles!' which he records as 'a bold reflection on a whole shire.' Fountainhall does not directly assert that there was unfairness in the trial, but he insinuates that evidence was held back through fear. 'The Chancellor would not allow Sir John to complain of the exacting of free quarters in name of any but of himself and of his tenants only, without he had a commission from the rest of the shire in which they durst not then join, soldiers getting a more favourable hearing than country gentlemen, as appeared in John Chiesly's case.'

Fountainhall's illustration scarcely bears out his argument. On April 27 of that same year, John Chiesly of Dalry charged two life-guardsmen, Davis and Clark, with invading his stables and wounding himself and servants who withstood them. Finding they had warrant to enter his premises, the Lord Advocate refused to prosecute for hame-sucken (house-breaking), but only for invasion and oppression. Davis was banished for life and Clark degraded from his troop. Fountainhall was dissatisfied that they were not hanged.

Dalrymple's case was not hurriedly disposed of. It lasted nearly two months, and, on Sir John's side at least, a great many witnesses were heard. By this time Clavers had many allies among the Privy Councillors and even one or two real friends. Yet the very full sederunt of Council which finally gave judgment on the double processes, contained among its twenty-seven members several who regarded him with jealous

dislike. Hamilton's sentiments had already appeared, and will be more distinctly shown by future letters. Those of the Commander-in-Chief have been mentioned, and their rivalry for Helen Grahame had destroyed a clansman's natural claim upon his family chief, Montrose. If partiality there were, it was not wholly in favour of the sheriff.

By a peculiarity of Scottish law, Sir John Dalrymple at one moment came very near winning his game by a surprise. The Scottish Statutes, A.D. 1582, cap. 108, and A.D. 1594, cap. 219, ordained that if any litigant struck the other during the dependence of a lawsuit, he thereby forfeited his cause. 'This, with other enactments, was intended to curb the *perfervidum ingenium Scotorum*,' remarks Fountainhall. Sir John found opportunity to add to his list of crimes and misdemeanours committed by his opponent, the following :—

'As also the offering a box in the ear to a gentleman, in presence of the Committee of Council appointed to examine witnesses in the very time that Committee was sitting upon that affair, is an intolerable affront to his Majesty's Government, and indignity to the liege so injured; nevertheless the said Laird of Claverhouse, during the time that a Committee of his Majesty's Council's number were sitting and discussing the objections and interrogatories given by either party for receiving the witnesses, did, to the high affront of his Majesty's authority and Government in the said Committee and in the hearing of some of the members thereof, threaten to give the complainer a box in the ear.'[1]

[1] Napier, ii. 309.

CHAPTER XI

1683

Malversation—Partiality—Verdicts—Compliments—The Mint prosecution and Dudhope property—Court intrigue—New peerages and the Juncto—Newmarket.

MALVERSATION was common in the seventeenth century. The whole system by which officials were recompensed, or permitted to compensate themselves, favoured it. Appropriation of fines by the parties who levied them was, as already observed, a recognised and legal means of revenue. Premising that his peculiar position necessitated exceptional expenses for maintenance of prisoners, witnesses, spies, &c., and that 'there is no doing business without being open-handed,' Clavers had asked the Treasurer, February 16, for a gift of the moveables of 'any that are not yet forfeited that I can find probation against.' 'When I have got it, I shall not buy land with it,' he remarks in jest, meaning that no surplus would remain; 'for I have many things to do, extrinsic to the office of an officer.' Where customs of this kind prevailed, it was obviously difficult to rebut accusations of corrupt motive; and, even if in a sense rebutted, such charges, when renewed, would tell with cumulative effect. When, as Wodrow relates, Clavers plundered the southern shires after Bothwell, he did so under a

commission to uplift rebels' goods conjointly with an English Lieutenant-Colonel Main. Some time in 1680 it was complained that he had made no account thereof as yet; by which it would appear that Wodrow was mistaken in supposing that 'the spoil went into their own pockets, and was never accounted for.' Maitland of Halton, Treasurer-depute, wrote to Queensberry, April 15: 'Clavers's commission as to rebels' goods is recalled by the Council; so *your* man will have room for his payment that ye need not fear.' About the same time a stop was put to the grants of other forfeitures, including Freugh, to Clavers, Main, and Douglas. A subsequent order from King Charles II. removes this stop, asserting that he has inquired into the matter of Clavers's commission as to rebels' goods, 'whereof you say he has made no account as yet, and he does positively assert that while he was in Scotland he received not one farthing upon that account; and if anything has since been recovered by those to whom in his absence he hath entrusted the execution of that commission, he believes it to be so inconsiderable as will not much exceed the charges that must necessarily be laid out in that affair. However, we do expect that he will meet with no worse usage from you upon that occasion than others to whom you have granted the like commission.' Queensberry had thus shown himself not indisposed to divert to some client of his own, emoluments which Clavers was on the point of acquiring; and he might entertain further pretences for doing so. Free quarter, at least on rebels' estates, had been allowed for a long time after Bothwell, and now that orders for strict payment were issued to the soldiers, it was likely their acquired habits would not be instantly relinquished.

Lord Macaulay described Clavers as 'rapacious'; and in answer to Professor Aytoun's reclamation against the charge, a note was appended to the 'Pictorial History of Scotland' reiterating it on the authority of Fountainhall. If defined to mean the acquisition of money by fines or forfeitures for Nonconformity and other offences which modern sentiment has ceased to reckon offences at all, it is provable to demonstration. If it mean the pursuit of pecuniary advantage by an able courtier when opportunity offered, the present chapter will exemplify it as surely. If, in addition, it involve imputations of dishonesty, legal or actual, this is the place to investigate singly those examples by which, in Note L, the 'Pictorial History' attributes corruption and embezzlement to Clavers, as a magistrate.

'He spoiled the houses of his wretched victims.' Not Fountainhall, but his own report in the 'Aberdeen Papers,' shows him to have destroyed the goods of rebels who refused to treat for pardon.

'He exacted the uttermost farthing of the fines imposed. He released some of those whom he had imprisoned for Nonconformity on receiving from them bonds for the payment of a thousand merks apiece.' Wodrow specifies, in 1682, four instances, each of this sum, which is equal to about fifty-six pounds.

The above-mentioned report contains this passage: 'And who remained obstinate, especially heritors, he punished severely by laying them in prison till they should find sufficient caution for the payment of their fine; but upon offer of obedience he accepted always of a bond for a blank sum, and filled up, maybe, a twentieth part to show them it might all be money, and then dis-

[1] Wodrow, iii. 385.

charged them for so much, leaving the rest over their head for surety for their good carriage.'

It is not easy to see how these publicly reported transactions could be bribes; nor how he could have pocketed the sums paid on bond by heritors when once reported, since all heritors' fines belonged to the Crown. Nor is a twentieth part the uttermost farthing.

From Sir John Dalrymple's accusations is cited that of 'exacting the fines of heritors, and not counting for them; at least, falsely giving in a charge far below his intromissions;' with a comment, 'This charge was strictly true. The Crown officers were actually compelled to resort to legal proceedings to make him disgorge the forfeited possessions of the Covenanters, which he was bound to have paid into the Exchequer.'

The proceedings which the Crown officers actually did take to that end were not instituted till 1685. They shall be referred to in their place. With Sir John Dalrymple's case Fountainhall in no way whatever connects them. Nor does he anywhere assert that his client's charges were strictly true. He records the final verdicts of the Privy Council without an expression of dissent from them. Those verdicts were given on Feb. 12, 1683. They are recorded in the Council Registers and printed in full by Mr. Napier.

The Lords of his Majesty's Council, having heard and considered the libel pursued at the instance of Sir John Dalrymple, younger of Stair, with the answers made thereto by John Grahame of Claverhouse, 'do find the said libel Not Proven to infer any crime, fault, or misdemeanour against the said John Grahame of Claverhouse; but, on the contrary, that the said John

Grahame has done his duty, and acted in the prosecution of the commission given to him for the discovery and punishment of disorders in Galloway faithfully and diligently.' They found Sir John guilty of employing unfit persons to be his clerk and bailie of regality; of imposing inadequate fines; of interfering with the sheriff's courts; and of endeavouring to breed animosity between the country people and the king's forces; finally, 'that Sir John is guilty of misrepresenting Claverhouse to the Council, as guilty of several acts of exaction and oppression, albeit after strict examination and enquiry the Council finds he has proceeded legally and warrantably; and the said Lords also find the said Sir John guilty of murmuring against the said John Grahame of Claverhouse, as Sheriff and a Judge, and misrepresenting his judicial proceedings as having acted partially and clandestinely. And therefore the said Lords do deprive and discharge the said Sir John Dalrymple of his jurisdiction and office as bailie of the regality of Glenluce, and fines him in the sum of five hundred pounds sterling to be paid to his Majesty's cash-keeper for his Majesty's use; and ordains him to make payment of the witnesses' expenses at the ordinary rates in both processes; and to be committed prisoner in the Castle of Edinburgh, there to remain till he make payment of the said fine and expenses, and further during the Council's pleasure.'

Wodrow complains of trouble and expense undergone by witnesses called against Sir John, 'for which they were never repaid in any way.' This tends to show that Dalrymple avoided paying the costs to which he was condemned; also that Clavers did not bribe his witnesses.

Sir John's imprisonment on this occasion lasted only a week. Fountainhall notes his release on paying his fine. The money was refunded to him when James, towards the end of his reign, appointed him Lord Advocate in lieu of Sir George Mackenzie, preferring a treacherous compliance with his own imprudent measures to the honest reluctance of a sincere well-wisher. In the summer of 1684 Sir John was committed to prison, this time for several months, upon Carstairs confession that 'there had been a current plot in Scotland these ten years past. Some were for raising forces, others were only for associating with the English for holding out the Duke of York from succeeding.' On December 11 he was bailed out by Lords Lauderdale and Creighton for five thousand pounds.'[1]

Immediately upon his acquittal Clavers was complimented by the Chancellor 'for that he, not being a lawyer, had walked so warily in so irregular a country.' For the third time that year, he received the Council's formal thanks for his good service. Doubtless he thought it time that gratitude should take a substantial form; and opportunity was soon afforded him for presenting that view to the higher authorities. Already, on December 25, his commission as Colonel had been signed at Whitehall; his regiment being composed of the three troops hitherto existing independently, of a hundred men drawn from the Footguards, and a hundred more from the Earl of Mar's regiment. He was now, in March, selected by the principal Scottish statesmen as their messenger to Court, in order to advance their interest and his own. From a letter of the Duke of York to Queensberry in December, it would appear

[1] Fountainhall, *Decisions*.

that the latter had at one time been averse to employing him on this mission.

'. . . I see that you and the Chancellor expect I should name some one to you to be sent up hither by you to give an account of the Treasury affairs; but I think you on the place are better judges than I. Therefore pray do you think of some fit man to send up with them. . . . I am absolutely of your mind as to Claverhouse, and think his presence more necessary in Galloway than anywhere else, for he need not fear anything Stairs can say of him, his Majesty being so well satisfied with him.'

One section of the Treasury affairs to be reported related to the disposal of a windfall, for which many eager expectants were competing. During Lauderdale's most prosperous days there had escheated to the Crown, through default of male heirs, the estate of Scrymgeour, Earl of Dundee, with his hereditary jurisdiction as Constable over the town whence his title was derived. Without difficulty Lauderdale had devolved it on his brother, Charles Maitland of Halton, for many years Master of the Scottish Mint. Inquiries into the condition of the coinage had lately resulted in a discovery that during his term of office Halton and his subordinates had defrauded the Treasury of seventy thousand pounds, by coining money below the requisite standard of fineness. They were liable to pay back the whole amount, and a fund was accordingly in prospect out of which Charles II. could reward his most meritorious, or his most greedy, courtiers. Modest merit, waiting silently for recognition, would have been as surely extinguished as the reputation which should strive to live down calumny instead of fighting with it as Clavers had

fought Dalrymple. Chancellor Aberdeen, high in his master's favour, and aware from his judicial position even before sentence was pronounced to what the prize would amount, was first to bespeak a lion's share in it. One portion offered peculiar facilities for its appropriation by the energetic official whom he employed to solicit for him at court, and who laid his plans for securing it to himself with adroit penetration into individual character.

Moved by compassion for an old servant whose position had but displayed in stronger relief a venality which pervaded all ranks, Charles eventually limited Halton's liability to twenty thousand pounds sterling; and, expecting that money would not be forthcoming, he agreed that the Scrymgeour estate, so lately conferred, should be given up as an equivalent. Part of this consisted in the Constabulary of Dundee, which could properly be held only by a resident magistrate able to fulfil its concomitant duties. To Aberdeen these were out of the question, while Clavers was ready and willing for them. Neither could hope for success without concurrence of the Treasurer; and to enlist his aid Clavers roused his aspirations after higher dignity than he yet enjoyed. A marquisate had so recently been conferred on him that he professed diffidence about asking for a dukedom, and refused any commission from himself to request it. Chancellor Aberdeen left his messenger 'Christian liberty'—according to Clavers's own expression—to make Queensberry a duke if he could; it being perfectly understood that the Treasurer in turn would recommend each for the special advantage he desired. In all this there was nothing dishonest. Chancellor Aberdeen served his patron, the

Duke of York, with industry and devotion, and such qualities in a favoured minister customarily secured pecuniary recompense. Queensberry had been an exceptionally able and uncorrupt Treasurer; the single instance in which he misused his trust ensuing a severance of interest which took place later between him and Aberdeen. Both were efficient public servants, and valuable props to royal authority. As a faithful adviser of his monarch, with no ulterior end of his own, Clavers could have represented as he did that it were well the Whig dukes Hamilton and Buccleuch (Monmouth) should have Tory equals; and since he preferred his own request simultaneously with theirs, he made no false pretence of disinterested advocacy. Charged, therefore, with these private schemes in addition to his ostensible mission, he set out for England in the beginning of March 1683. His first letter to the Chancellor, although it bears no name of any place of inditing—a peculiarity to be noticed and possibly explained a little later on—shows him to have diverged towards a western route, and to intend entering England by Carlisle. King Charles was at Newmarket; and there Clavers joined him, walking nine miles with the King one morning, 'besides cock-fighting and courses,' and finding it 'hard to get business done' because 'the Duke hunts besides going wherever the King goes. On the court's removal to London and Windsor more progress was made. As Secretary of State, the Earl of Middleton's adherence was wanted; and Clavers, with cynical candour, proposed his sharing the good things to be distributed. 'Let there be frank dealings on both sides,' he wrote to Queensberry, April 10. 'He tells me your Lordship has generously offered your assistance

to him, and given him leave to talk to me about his business. I find he has run himself in debt, by his marriage and furnishing himself of necessaries for a family, to about two thousand pounds, and I think less nor three cannot be offered him, and seeing the fines are coming in, though he got five it were well bestowed.' He adds that Middleton is a firm and real friend where he professes it; and his eventual fidelity to an exiled master justifies the eulogy. It is indeed possible that these intriguers who bought and sold their recommendations to place and profit would no more have accepted bribes to betray their monarch's interests than would Algernon Sidney have taken money to forward his despotic views. If a man did nothing injurious to the cause he espoused, he was not then expected to forego incidental advantages that might accrue while reasonably well serving it. Colonel Grahame's own aims are plainly set forth after those of Middleton.

My Lord,—I have written to my Lord Chancellor about a business concerning myself, of which he and I talked before we parted, as my Lady Errol will tell you. I must beg your Lordship's assistance in that business of the lands of Dudhope. My Lord Chancellor designs nothing but to sell it, and buy lands in the north, seeing he is to get Stirling Castle to dwell in. Wherefore I desire leave to ask the house of Dudhope and the Constabulary and other jurisdictions of Dundee belonging to my Lord Lauderdale, and I offer to buy forty chalders of victual' (meaning land bearing so much) 'lying about it, though I should sell other lands to do it. I have no house, and it lies within half a mile of my land, and all that business would be extremely convenient to me, and signify not much to my Lord Chancellor, especially seeing I am willing to buy the land.

A few further particulars can be gathered from his own deposition in a suit at law two years later, from which it appears Lord Aberdeen would have been better content with a gift in money from any fund at the Treasury's disposal; half suspecting that the family interest of the Maitlands would enable them after all to evade payment. The deposition bears that Aberdeen had written to the deponent several letters wherein were public concerns, which he produced, but only read those parts thereof that concerned this affair. The first letter is without a date, and bears these words: 'I hope you do not think I am less sensible of your kindness that I doubt the effects of the Mint affair, since both the Earl of Middleton and yourself are of a mind; and say only this, that I could not do half as much for myself were I present.' Another letter thus quoted declares, 'I could not but let you know I would be very well satisfied with what you do for yourself anent the house and jurisdiction you wrote of, and do thank you for your care in my concerns. . . . If his Majesty should please to make effectual for me that which you name in any way he thinks fit (which the deponent thinks he meant to be the twenty thousand pounds), I shall think myself very much obliged to my Lord Middleton and yourself, and am very well satisfied with your own success that way.'[1]

In conference with the Duke of York it was agreed that Huntly should also be proposed for a dukedom, and Tarbet for a viscount's peerage; and all these projects were laid before the King with prospects at first of ready success. A fortnight later Clavers records disappointment for the present concerning the titles.

[1] Printed Abbreviate of Evidence in Earl of Lauderdale's case against Aberdeen. Napier, ii. 323.

Charles had been so 'vexed with the nobilitating people here,' that he declined to create further jealousies. As a politic measure the scheme would one day be carried out, and 'in all this I have only reason to complain' of being 'so unhappy as not to be the bearer.'[1] The letter is torn at this part, a trifle which perhaps evinces Queensberry's irritation. The Duke promised to write himself to assure Queensberry of his agent's hearty endeavour to effectuate his commission. Indeed the royal consent was given next year. 'The greatest men in England are glad to get it after many pulls.'

Clavers's own particular object was not eventually grasped without similar difficulty, although no objection was raised on the King's part. April 29 he writes: 'As to the Mint, a letter is ordered for your Lordship, telling the King's pleasure is that my Lord Lauderdale dispone to the Chancellor the lands about Dundee, and to me the house and jurisdiction, for which I render your Lordship most hearty thanks.'

Besides these private affairs of his own and of his allies, much business was transacted by Clavers during this stay in England. Before his departure it had been decided that he should be enrolled among Privy Councillors. He never held any ministerial post; but it is curious that Fountainhall's 'Chronological Notes' classify him among ministers.[2] He had something to do with remodelling the Scottish ministry. On March 13 he wrote to Queensberry concerning the Secretaries of State: 'I beg your Lordship to tell my Lord Chancellor that it will be both your advantage and theirs you live well together, and I see it is the King's and Duke's inclination. I hear the rest of the people of the Govern-

[1] Napier, ii. 233.

[2] Pp. 39, 41.

ment are alarmed, and think I will represent them as useless. I cannot imagine how they come to think so.' Later, on August 25, he wrote: 'Whoever suspects me of having given advice to the Duke to let things be governed by the chief Minister alone, wrong me mightily. I can appeal to the Duke and my Lord Middleton if I did not always say that things because of secrecy ought to be managed by you two, and if you could not agree by a Juncto, and I think I was right.'

When finally appointed, the Juncto was found to consist of seven chief officers of State: Aberdeen, Chancellor; Queensberry, High Treasurer; Perth, Justice-General; Athol, Privy Seal; Treasurer-depute; Register; Advocate; and the Secretary if in Scotland. 'There is nothing to be proposed in Council, and no account of affairs, or recommendations to be transmitted to the King but by them, that one single man may not abuse' (deceive) 'him by misrepresenting and undermining others,' says Fountainhall, who opines 'the Duchess of Portsmouth had obtained it of the King.' It may be remarked, however, that frequent as were applications at that time from courtiers to the royal mistress, Clavers in his letters never in any way alludes to her.

Fountainhall's description of Colonel Grahame's mission to court this year runs as follows, after mentioning a circuit court to go through the western shires in July next for discovery of conversers with rebels: 'The King was willing to have granted a large indemnity; but the Chancellor thought such a favour unseasonable and stopped it by sending up Claverhouse, who maintained that such indemnities emboldened them and did ill.'[1] 'They told the King, "It were better their

[1] Fountainhall's *Observes*, p. 94.

country bore windle straws and sandy laverocks than rebels" '—a sentiment attributed by Fountainhall to Lauderdale, and by other writers to unpopular statesmen at various epochs. In one of the Duke of York's conversations respecting the King's ministers for Scotland, 'he told us laughing,' writes Clavers to Queensberry, 'that we would all be as great tyrants as my Lord Lauderdale was. And let you alone' (for that). 'But all was very friendly, he said.'

The Duke was not, however, touching on any question of political repression, but on minor matters respecting distribution of places.

CHAPTER XII

1683

Return to Edinburgh—Clavers a Privy Councillor and chief counsellor to the judges—Responsibility for severities—Justiciary circuit—Condemnation of William Boig—Original orthography of letters—Rescue near Glasgow—Executions—Duke of Hamilton's enmity—Rye House Plot.

On May 22, 1683, immediately after his return to Edinburgh with letters from the King, Clavers was sworn in a member of the Privy Council. He occupied a place at the board of that tribunal for very few days before he was sent to escort with ample military force a Justiciary Court, consisting of Perth, the Justice-General, Maitland (son to Maitland of Halton, now Earl of Lauderdale), who was Justice-Clerk, the Lord Advocate, and the law lords Forret, Castlehill, and Colinton. Although other offences came under their cognisance, their chief work was to be a final settlement of the rebellion, by ascertaining who among proclaimed rebels had taken indemnity and punishing such as should continue to refuse it. 'The Lords of his Majesty's Privy Council fnd it necessary for his Majesty's service that Colonel John Grahame of Claverhouse should go alongst with the Justices during their whole progress in the Justice Air.' A royal order for their circuit recapitulates that

from Newmarket, the 21st March last, was signified 'how well we were satisfied with the account we had lately received of the state of affairs in this our ancient kingdom, and with the successful methods our Council had fallen upon for settling the peace therein, and reducing people to order and conformity.'

The account thus mentioned is shown by its date to be Clavers's report of his own subjection of Galloway, and of the extension to other shires of methods in which an order of Council already quoted shows he was bidden to indoctrinate his commander-in-chief. Nominally commissioned as officer of their escort, he was sent virtually as chief counsellor to the judges on this occasion. 'I see that Claverhouse and the Clerk are the chief directors,' sneered the Duke of Hamilton, after attending their court at Glasgow.

It is therefore impossible to sustain for the subject of this biography an excuse sometimes put forward for him: that under an exaggerated sense of military duty he only obeyed orders for which his superiors were responsible. For mistakes or for severities committed before the year 1679 no blame can attach to him. He had not goaded the peasantry of the Western Lowlands into madness, but found that madness subsisting. For the unflinching sternness with which it was encountered and held down he is fully answerable. His firmness arrested concession; his energy prompted as well as planted swift death-strokes wherever armed resistance raised its head. Writing to Queensberry April 1, 1682, he observes: 'My Lord, we hear noise here of an Indulgence. I hope nobody is so mad as to advise it.' And again, April 17: 'Did the King and Duke know what those rebellious villains they call ministers put in

the heads of the people, they would think it necessary to keep them out.' Two letters, referring to the chief incident that occurred while the Justiciary Court sat at Stirling, shall be given entire from the Aberdeen collection. Original orthography, as therein preserved, is reproduced to afford opportunity for comparison between the spelling of Clavers and that of a cultured contemporary.

From Sir George Mackenzie, Lord Advocate, to Chancellor Aberdeen.

My Lord,—Tho I am desyrous to hav your advice vhich I assur you I wil follow, yet I hav told my opinion to the Justices very freely and Clavrose will writ to you the reasons by vhich I sustaind it, and I will not trouble you nor wrong him in repeating them.

I did this day represent the danger of being rebells vhich they say has frighted both lairds and comons. I tak also all the pains I can to secur honest men and terrifie rascalls of vhat quality soever and beleev that the pains I took to mak prices easie was of advantag to you and the Government; and yet I hav mad Mr. Thomas Gordon's losses up another way and legally too; you know how much I was his friend, and the Duk knows more of it. And as to myself I shall not see on doller in all this Circuit tho it is lyk by sitting up and great heats to destroy mee.

This letter is unsigned. The 'prices' made easy by the writer were compositions accepted by Government in lieu of the 'uttermost farthing' due from parties subject to fines. His professional fatigues may account for his friend's undertaking to lay before Aberdeen the case of a man named Boig, thus described by the Lords Justices:—

'. . . one common fellow, who acknowledged he had been at the rebellion and produced only a Certificat blank in the cristined name; quhich wee haveing good reason to suspect concerned some other person of that sirname referred to his oath, whether he truely signed the bond, or gave warrant to a nottar to signe for him. And he not onely refuised to depone for purging of suspicion, but obstinately, and after many intreaties, refuised to acknowledge Bodwell Bridge to be a rebellion.'

Clavers thus pursued the topic :—

Sterling, June the 9, 1683.

My Lord,—The Lords having thoght fit to delay the exicuition of this man till they should know your Lordship's opinion because of the newness of the thing and consequence, I would feall in my deuty if being on place I did not give your Lordship my thoghts of it. Tho I need not repeat this man's story intyrly because you have recaived particular acounts from the Justices, yet I must mynd you of the heads of his caise. He was actually in the rebellion, continued in that state for four years, and now comes in with a false sham certificat to fooll the Judges; for, being desyred to give his oath that he had taken the bond, he positively refused; being asked if Bothwell Bridge was a rebellion, refused to declair it so, or the Bishop's murder, an murder; and positively refused in face of the Court, the benefit of the King's Indemnity by taking the Test. Upon which the Judges, moved by the outcry of all the bystanders, as by their conviction of the wikidness of the man, refered the mater to the knowledge of an inquest who broght him in guilty, after which he begged to acknowledge his folly and offered to take the Test with the old gloss, as far as it consisted with the Protestant religion and the glorie of God; and after that was refused him,

offered in end to take it any way. By all which it clearly apears that he would doe anything to saive his lyf; but nothing to be reconciled to the goverment.

Nor can it be thoght any sourty for the government the taking of the Test by men after they ar condemned; seing all casuists agree that ane oath imposed where the alternative is hanging can (not) any ways be binding; and it is to be suposed, who refused it when they had the freedom of choyse, and taks it after condemned, does it only because they think themselfs not bound to keep it.

And the Proclamation seems to dessein favour only to those who offer volenterly by these words—all who aplay themselfs—and that meetings be apointed for giving the Test by those intrusted that all concerned may know when and where, all which shoes cleerly it was desseined for people at liberty.

Then, my Lord, in point of prudence, if this be the method, no man will com in to the Justice Air for to take the Test, but may contineu all his triks till the first of August, and speak traison in face of the Court and the people if he be taken and condemned; and after, nik them with taking the Test, which turns all in ridicull. For great clemency has and oght to be shoen to people that ar sincerly resolved to be reclaimed, but the King's Indemnity should not be forced on villains. All that I can hear of inconvenience is that it may terify those in his circumstances to com in. I say there is not such ane other in all the kingdom, that is, a comon man condemned, so that they can not be terifyed. It may be said that his caise may be mistaken, and it may deter all from coming in. Experience of this day answers that. Above twenty have taken the Test since he was condemned, and the teror of his usadge, as I am informed, is lyk to cause most com in that ar today declaired fugitives; of which the number in four shyres will not be much above a hondred. If this man should not be hanged they would take advan-

tadge that they have disapointed us by resceuing the other, and given us such aprehensions that we durst not venter on this.

I am as sorry to see a man day, even a whigue, as any of themselfs ; but when on days justly for his owen faults, and may saive a hondred to fall in the lyk, I have no scrupull.

I understand not that any of the forces, and on of the Livet. Gen. should, for hunting people for only stealing koues, leave the atending this service, where the King's interest, and the peace of the contrey is so neerly concerned, for the two compagnies of foot laift this place today.

All the Justices doe their deuty francly and cheerfully. My Lord Castilhill and I have not yet differed in any point, and my Lord Advocat sustined this business vigorusly. I am impatient to be at Glascow when we will have new mater. I am, my Lord,

Your Lordship's most faithful and humble servant,

J. Grahame.

The rescue alluded to was that of a prisoner named Smith, whom five of Montrose's Lifeguards were convoying from Edinburgh. A guardsman named Murray was slain and another wounded by a volley which seven countrymen poured on them suddenly near Glasgow. The soldiers, rallying after their prisoner had escaped in the confusion, seized two men, named Smith and Wharry, whom they declared to have been among their assailants, and who were hanged by the Justiciary Court at Glasgow. That rebels should never score a success without corresponding loss to their own party in the very same locality, to neutralise the exultation of their sympathisers, seems to have been part of Clavers's system, and to account for the deaths of one or two later martyrs, as it does for this, his first victim.

Fountainhall says of this man, Boig, or Boog, that 'the Justices would willingly have reprieved him, but they could not, only the Privy Council, yet there were nearly as many Councillors at Glasgow as might have made up a quorum, only they durst not attempt it without the Chancellor's consent.'[1] Of several letters touching on the topic, among the Aberdeen Papers, none express any wish to reprieve. Lord Maitland alone writes with perhaps an inferential leaning to mercy. Castlehill, who, Clavers says, had not differed from himself, was of questionable antecedents, having been page to Cromwell, and deposed from the Bench by Lauderdale, who said 'he could hang none without their own consent.'[2] On June 13, a letter signed by all the judges reports the execution of Boig, and that he 'died adhering to his wicked principles and pretending he was a martyr, which justified the sentence even in this humorous shire. And the bringing that criminal to die here is much approved by the King's faithful subjects, because it filled the place of that villain who was rescued; and did let such as were doubting here see that those who contemned authority should not escape the danger of refusing the King's mercy when it was offered.' Officially, of course, it was Chancellor Aberdeen who had power to direct or deny reprieve; but in point of fact Clavers, by his representations, left him small choice. No lives, save these three at Glasgow, seem to have been taken for political crimes during this circuit. Several death sentences were passed; but the subjects of them, offering submission at the last moment, were handed to Clavers for safe keeping until remissions could be procured.

[1] *Decisions*, June 6, 1683. [2] Napier, p. 360.

During Colonel Grahame's absence from Edinburgh in attendance on this circuit, the Duke of Hamilton, in several letters printed by Mr. Napier, attempted to undermine him in the confidence of his patron on the strength of information privately received from London as to his recent behaviour there. 'I am of opinion you had best delay saying anything to Claverhouse, and a little time no doubt will clear you if you have reason to distrust his kindness,' wrote Hamilton. Queensberry wisely sought assurance from a higher quarter, and received an unequivocal response from the Duke of York:—

'*June 26th.*—As for what is in your last I have had no complaint from Clavers nor any else about the delay there has been of adding some officers to the horse and dragoons; nor have I had so much as one letter from Clavers of any kind, and I am confident they do him much wrong who report he should say I am displeased with you; since I assure you there is no such thing, and he is not a man to say things that are not. And this justice I must do him, that when he was here no man was more your friend than he, and did press all your concerns with more earnestness. I find by that and other things that some people both from hence and where you are, make it their business to create misunderstandings between all of you that are most trusted in his Majesty's service, and in whom I have most confidence.'

Ere the circuit was completed news came down to Scotland that a plot to assassinate the King and Duke while passing the Rye House on their road from Newmarket had just been betrayed by one of its minor agents. The great fire at Newmarket, which had disconcerted a previous arrangement in April by hurrying

Charles's return to Whitehall, must have occurred while Clavers was in attendance there, though no recovered letter of his refers to it. While still attached to the Justiciary Court at Jedburgh, he writes of the 'conspiracy' and of the measures he had taken to guard the Scottish border, it having been apprehended—as the Secretary of State, Earl Moray, puts it—that some of the 'helishe plotinge criwe' would arrive from England. Upon his return to Edinburgh he joined his colleagues of the Privy Council in their investigations into the guilt of several implicated Scottishmen.

CHAPTER XIII

1683–1684

Dudhope and Constabulary of Dundee—Breach with Chancellor Aberdeen—Rapacity and 'deliberate falsehood'—Acquisition of Dudhope—Its value—The Cochranes—Engagement to Lady Jean—Hamilton's jealousy—Letters to Queensberry.

On May 10, 1683, had been read at Privy Council a letter from King Charles limiting Lauderdale's liabilities to twenty thousand pounds, 'whereof the King gifts sixteen thousand to his Chancellor and four thousand to Graham of Claverhouse; with this declaration, that if Lauderdale and his son the Lord Justice Clerk shall dispone the lands and lordship of Dundee and Dudhope . . . in favours of the Chancellor, then he shall be free of the foresaid sum of twenty thousand sterling, providing he give real warrandice out of other lands, and against all the late Earl of Dundee's creditors or their consents; and that it contain all within two miles of Dundee . . . and that Claverhouse shall have power to redeem the house, yards, and parks of Dudhope with the Constabulary of Dundee with all its emoluments from the Chancellor at twenty years' purchase (which some valued at thirty years, because of the great dependence and superiority). . . . In August 1683, the Chancellor and Lauderdale agree, and he accepts of

the half, viz. L. 8,000 sterling, or L. 10,000 Scots and L. 20,000 Scots further when they shall be able, and having gotten an assignation of the Chancellor's right, they offered to Claverhouse (who resented the Chancellor's transacting for himself and deserting him) the house, yards, and old park of Dudhope with the Constabulary of Dundee, at twenty years' purchase, as he was to have paid to the Chancellor in whose place they were come. And they being debtors alternativé in four thousand pounds sterling, or that offer, they elected this last, which he declined to accept.'[1]

This compromise was due to an impression which prevailed on the Chancellor's mind throughout, as shown by the deposition already quoted, that 'the Maitlands' had a chance of escaping their liability to forfeit anything. The Justice Clerk represented his assiduity at the Circuit Court as a reason for finding favour with the Chancellor; and thus deserted by his ally, Clavers began to find it likely he might have, according to his own expression, 'a very evil game.' It is evident, from his statement given in a previous chapter, that he had asked the house and Constabulary of Dudhope as a free gift (while offering to purchase surrounding lands of the Chancellor), and believed he had obtained a promise of them. Fountainhall's notices of the matter are fragmentary and far from clear. All passages that throw any light on Colonel Grahame's dealing in it, shall be given verbatim. The present compiler submits an interpretation to be compared with the following, from the 'Pictorial History of Scotland,' Note L.

'This honourable man, Lord Fountainhall tells us,

[1] Abbreviated from Fountainhall's *Decisions*.

tried to cheat his brother persecutor, the Chancellor Queensberry, out of the Barony of Dudhope and Constabulary of Dundee, which had been gifted to Queensberry on condition that he should sell it to Claverhouse at twenty years' purchase. Claverhouse tried to get rid of this part of the bargain by telling a deliberate falsehood, for which he was reprimanded in open court, to the effect that Queensberry had agreed to give him the estate for nothing. So much for the integrity and generosity of this man of chivalrous honour!'

Queensberry, who never was Chancellor, nor concerned in Dudhope, is here mistaken for Aberdeen.

To buy the whole of a specified estate at twenty years' purchase is the same thing as buying two-thirds at a fair valuation and receiving the remaining third gratis. The 'parks' of Dudhope which Clavers, by the king's letter, was to redeem, might be understood at the time when it was drawn to include lands which the Chancellor desired to sell, and Clavers was willing to buy, at full value, on condition that the house and jurisdiction were thrown in; as they well might be, seeing the Chancellor could not fulfil their concomitant duties. After agreeing separately with Lauderdale, the Chancellor had no lands to sell.

It was on March 20 that Clavers wrote to Queensberry reciting the proposal he had already made to Aberdeen. A letter from the Chancellor dated March 24, which he read during his deposition, as previously mentioned, is 'well satisfied in what you do for yourself anent the house and jurisdiction;' and may well be considered a reply to that proposal. What was the precise agreement between them it is no longer possible to prove; nor was it possible for Clavers then to prove

it in legal form. His contention was that the royal letter, by treating as equivalent a gift of four thousand pounds sterling, or a twenty years' purchase of certain property, presupposed some arrangement to render them so; since in point of fact twenty years' purchase represented the full worth, and more, of Dudhope alone; a statement probably depending on burdens to which that estate was subject, and against which Lauderdale was eventually compelled to secure him. His correspondence with Queensberry that autumn confirms this as being his bonâ-fide view of the matter. So early as August 28 he had asked leave to go to Court and lay it before the king. He was promised that 'an explanatory letter is to come down that will leave no ground of debate' (September 13). On October 2 he writes: 'I send your Lordship the Treasurer-depute's letter, by which I see the Duke will not let me up. I suppose he has no mind the thing should be heard because it will load' (a contraction for 'load with imputations') 'a certain person' (Chancellor Aberdeen, whom James was believed to shelter). 'I have written positively either that I have leave to come, or that the explanatory letter I have sent up be signed; otherwise I have reason to believe ill offices have been done me from this to the Duke.' Again he writes to Queensberry:—

Edinburgh, Nov. 4 (Sunday).

My Lord,—Last night I had the honour of your Lordship's, and this day after sermons, Hugh Wallace[1] told me he was just going to despatch your servant. I begged him to delay so long as till I could see my Lady Errol, because the Chancellor had been there. She bids me tell

[1] Cash-keeper under Queensberry.

your Lordship that there passed a great deal betwixt them, but because he complained that things he only told to your Lordship and her, came abroad, she thought it best to forbear giving you account of it till meeting. I hear he is mad against me, though I have more reason to be so against him. . . . My Lord Lauderdale came up in the coach from Leith with the Chancellor, and was above an hour close with him immediately after he came up, and Sir John Dalrymple is assiduous there as he used to be.

It does not appear that the explanatory letter was ever signed. December 13, Fountainhall notes, 'There is a letter from the King to the Chancellor stopping the procedure against the Earl of Lauderdale on the decreet anent the Mint, till the 15th Jan. next, and recommending to Claverhouse and him to agree about Dudhope and Dundee; and each of them to nominate two Privy Councillors to endeavour an accommodation between them.'[1]

On January 24, 1684, Colonel Grahame of Claverhouse 'insists' against the Earl of Lauderdale. On the 31st the cause was heard in presence, and Lauderdale offered Dudhope and its appurtenances at twenty years' purchase, the Chancellor having assigned his right to that purchase when he agreed separately with Lauderdale. 'The reason Claverhouse gave why he was not bound to pay twenty years' purchase, was that it was expressly communed between the Chancellor and him that he should have it gratis, without any payment; (which the Chancellor denying on the Bench, Clavers replied with some heat,) and that the King gave him freely, out of the fine of the Mint decreet, four thousand pounds sterling, or else the house, yards,

[1] *Decisions.*

parks, &c., of Dudhope; and if he pay twenty years' purchase for them he gets no donative at all, but pays the full worth and more.'[1]

If Clavers were wronged, he was wronged rather by Aberdeen than by Lauderdale, whose desire to minimise his fine was only natural. The Chancellor's position on the Bench during this cause did not render him the less a virtual party to it, nor his denial anything but the hasty disclaimer of an accused person. His veracity might be saved without impeaching that of Clavers, if his denial signified that he had never meant to part with Dudhope gratis, except on condition of a concurrent purchase of land by Clavers, which now was impossible. And Clavers could retort that Aberdeen's own act alone had rendered it impossible. No reprimand from the Bench is indicated in the 'Decisions' other than this immediately resented denial; nor does Fountainhall there express any opinion of its value relatively to the statement denied. But Fountainhall kept more than one diary. In his 'Chronological Notes,' p. 38, he remarks of Chancellor Aberdeen that 'he fell in with the Earl of Lauderdale after he had transacted the fine given to Claverhouse.' If this does not imply that he had transacted away what did not belong to him, it is hardly intelligible.

A private agreement, if it existed, between Clavers and the Chancellor, had no force to bind the Earl of Lauderdale. The Lords found Clavers 'bound to pay twenty years' purchase for all within the parks of Dudhope,' and that Lauderdale must clear all encumbrances. They gave 'real warrandice' over his other lands to the amount of four thousand pounds, while limiting Clavers's

[1] Fountainhall's *Decisions*.

liability to the value of the lands disponed; which Fountainhall pronounces 'most iniquous and inadequate, like a pretium affectionis, for the lands to be disponed are not worth a fourth part of that sum; and this real warrandice will be a mean to obstruct the sale of the lands thus given in warrandice.'—Fountainhall's observation on this detail may have been mistaken for his opinion on the whole case.

'On the 28th February, the Lords fixed 6,000 pounds Scots for the twenty years' purchase of Dudhope, and on payment thereof that the property should be delivered up before the 20th March.' On March 29, came a peremptory Order from the King that all should be completed in eight days, or else Lauderdale's remission stopped. Fountainhall's reckoning of pounds Scots is not always intelligible, if accurately printed. If a pound Scots is counted as 1*s.* 8*d.* sterling, and £6,000 be nowise an error, the twenty years' purchase paid for Dudhope amounts to five hundred pounds sterling, and, as representing two-thirds value, coincides with the incidental admission that 'the lands disponed' were not worth a fourth part of four thousand pounds sterling. This leaves a very small profit to Clavers upon the whole transaction.

Dudhope is described in a curious 'Information anent the Shire of Forfar,' by John Auchterlony of Guynd, as 'ane extraordinare pleasant and sweet place, a good house, excellent yards, much planting, and fine parks. It lyes pleasantly on the syde of the hill of Dundie, overlooks the town and as of purpose built there to command the place. Dundie Law is at the back thereof, ane exceeding high mott hill.'[1] Two old

[1] Napier, Appendix, p. 727.

prints, executed early in the next century, show it to have been surrounded by trees. Its gateway, and portions of its old walls, exist still in the Castle-barrack of Dundee; but it has been much altered, and four stories have taken the place of three. The Barrack Park at the back, now levelled, was then wooded and undulating; and an avenue of trees extended some distance before the gate. Clavers's impatience to acquire this fair demesne was enhanced by the fact that an occupant for it was by this time in near prospect. Two years had elapsed since his disappointment in regard to Helen of Menteith, and, if rather less ambitious, his second courtship was in one way more romantic than the former. He set himself to win a bride from the camp of the enemy. On August 16, 1683, the King's Advocate was ordered to raise a process of treason against Sir John Cochrane of Ochiltree and others accused of complicity in the Rye House Plot. Sir John was already fled, and was tried and condemned in absence, but others of the accused were seized in England and sent to Edinburgh. 'Dec. 10th. —The Council remit it to the Bishop of Edinburgh, Treasurer-depute, Advocate, and Colonel Grahame of Claverhouse to consider the several papers sent down from London, and to put together what they find concerning every prisoner.' Lord Ross, his companion in arms at Glasgow, had married a daughter of the Earl of Dundonald and sister of Sir John Cochrane. He was now dead, but was succeeded by his son, who was Major in Clavers's regiment. Through these comrades Clavers may already have become acquainted with Dundonald's family, but inquiries necessitated by his connection with Sir John's trial no doubt brought him into

closer contact with it. The Earl himself had received his title for services and sufferings in the royal cause long ago; but, like other prudent men, had endeavoured during the Commonwealth to strengthen his position by alliance with powers then dominant. His eldest son, Lord Cochrane, was united to Lady Katherine Kennedy, daughter of the rigidly Puritan Earl Cassilis, by that hapless Countess whose flight with 'Johnnie Faa' forms the subject of a woful ballad. Confinement for life in a dreary tower was meted, says tradition, to the erring lady, while her Lord married again after divorcing her, and brought up her two children in his own strictest opinions. Of these, Lady Margaret, after endeavouring to influence the great Lauderdale towards Presbyterianism, and, some said, towards marriage with herself, had married Gilbert Burnet, who was half her age. Lady Katherine, as the wife of Lord Cochrane, helped to give the family she had entered a character for fanaticism. Her husband had resisted the engagement pressed on heritors in 1678; had been called to account by Lauderdale; and was under a summons to appear before the Council, when death set him free of earthly danger. His two elder daughters were married; one to Lord Montgomery, the other to Lord Strathnaver; both of Whig tendencies. His eldest son, called by courtesy Lord Cochrane, was in treaty for the Duke of Hamilton's daughter, when a mutual attraction was found to subsist between Lady Jean, the youngest flower of the Cochranes, and the man of all others, perhaps, whom Hamilton disliked. The proud Duke drew back, and refused his consent unless special royal permission were accorded to his daughter's union with a fanatic family. Clavers believed these scruples as-

sumed in order to contrast purposely with his own independence in engaging himself to the niece of a rebel. He wrote accordingly to the Duke of York and to Queensberry, from whom at first he had apparently kept the affair secret; at least, if any judgment may be founded on a recurrence during the autumn of 1683 of letters without any place of inditing, although incidents betoken that they were written from a western shire. There is perceptible disinclination for quarters lying in other than a westerly direction. Dundonald and his family resided in Paisley Abbey.

From Edinburgh, September 13, after a Council meeting, Clavers writes to Queensberry: 'I asked how they would dispose of my troop. The Chancellor had a mind it should lay here for a while. The General was for sending it to Fife. I told it would be useless for the King's service here, and would be so in Fife. I desired it might be sent to Cumnock, Maybole, or some place near Galloway that I might make inroads now and then. It was referred to the General, so I know not how it will be; but I am sure I am very indifferent, for I told in Council that wherever it went I thought myself noways obliged to march with it.' General Dalyel might have suspicions. During the same autumn Clavers writes thus:—

My Lord,—I called at the General's this forenoon, and he was gone out to dinner. Some time after, he sent the Order of Council to me without any order from himself, and sent me word by his servant that 'that was all he had to say.' I told his man I would wait on him immediately after dinner; and when I came to his lodgings his man told me he was lying down; and that he had not been well for some days. I offered to stay till he was awake;

but his man told me I needed not, for he would give me no other orders. I can do nothing without his orders, for the Act of Council says the General is to command my Lord Balcarras's troop and mine, and Captain Cleland's to Clydesdale, and that he should give orders to Colonel Buchan and me to command there. However, lest the King's service suffer in the time, I will go and join my Lord Ross's troop till the half of the Guards and the other troops come. I hope your Lordship will cause despatch them if the General will not. The Council may give the orders immediately to the respective troops. I am, my Lord,

Your most faithful and most humble servant,

J. GRAHAME.

Again, so late as May 19, 1684 :—

My Lord,—Though I got all the assurances imaginable from the General that day I parted from you, that his orders should be as soon at Glasgow as I, yet I waited at the Halket' (Lord Ross's house) 'and therabouts, for five or six days, and heard nothing from him ; so I was forced to write him, as I did to the Lieut.-Gen. Drummond, and the President of Session, that if the King's service was retarded the blame should not be on me. Upon which he sent me orders. But he is in a terrible huff.

After some military reports the letter continues :—

I must say that the new allies I am like to make is [are ?] not unuseful to me in the shires of Ayr and Renfrew. They have the guiding of those shires and they do strengthen my hands in the King's service, particularly my Lord Montgomery, whom I recommend to your Lordship's favour. I will answer for him that he will be very forward in the King's service, and very sincere in his friendship and duties to your Lordship. I have written to the Duke anent that match, hearing that Duke Hamilton had scrupled to ally with that family without the King's and Duke's leave. I

feared that this might have been advised by some persons, to load me that had not been so circumspect. For my own part I look upon myself as a cleanser. I may cure people guilty of that plague of Presbytery by conversing with them; but cannot be infected; and I see very little of that amongst those persons but may be easily rubbed off. And for the young lady herself, I shall answer for her. Had she been 'right-principled' she would never, in despite of her mother and relations, made choice of 'a persecutor,' as they call me. So, whoever thinks to misrepresent me on that head will find themselves mistaken; for, both in the King's and Church's cause, drive as fast as they think fit, they will never see me behind. However, my Lord, malice sometimes carries things far, so I must beg your Lordship will defend me if you find anything of this kind stirring.

Mr. Napier supplies a negative which he conceives essential to the sentence: 'Had she [not] been right-principled.' He forgets that 'mockery' in which Patrick Walker says Clavers 'excelled all other persecutors,' and that in other places he employs ironically the language of the Covenanters.

This is a mild transcript of a far more vehement letter commenced on the same day, but never completed. Both are found together in the Queensberry collection, and Mr. Napier supposes that both were sent by accident 'in the hurry of his spirits.' He had certainly written himself into a passion, and apologised for it—'My Lord, pardon this idle letter!'—had broken off without signature, and rewritten the whole in calmer style. The first draft contains a striking passage: 'Whatever may come of this let not my enemies misrepresent me. They may abuse' (deceive) 'the Duke for a time, and hardly; but or long I will, in despite of

them, let the world see that it is not in the power of love or any other folly to alter my loyalty!'

To the jealousy which his rapid rise and extraordinary predominance in the Government had awakened in more than one quarter, Clavers had at last given an opportunity for undermining him; though as yet he was unsuspicious that the patron to whom he so frankly appealed would be the first to use it. Warning was in vain, as was the opposition persisted in by Lady Katherine Kennedy, his intended bride's mother. The marriage was in fact determined before Clavers wrote to the Duke of York, who had been fully cognisant of his former more important courtship, that he would have consulted him sooner, but that 'I judged it presumption in me to trouble his Highness with my little concerns.'

William Dunlop, tutor in 1679 to Lord Cochrane's children, was among the framers of a 'Declaration of oppressed Protestants,' drawn up at that time; and, taking 'the occasion of my Lord Cochrane's horses and livery men going West,' came with the paper unobserved to the camp, just before Bothwell.[1] About the same date 'a chaplain,' possibly the same Rev. William Dunlop (after the Revolution, Principal of Glasgow College), had 'prayed God to bless the rebels in the West with success,' beside Lord Cochrane's deathbed.[2] On this chaplain's account, and for permitting obstinate rebels to refuge on his land, though Clavers says he knew not they were such, Dundonald was about

[1] Wodrow, iii. 96. Although so much too moderate for the party in arms that it was rejected by them, it should be read as showing the relations of Bothwell rising with Parliamentary action in England.

[2] Fountainhall's *Decisions*, i. 299.

to be called in question. He was not blind to the advantages derivable from a hold on the chief mainspring of recently instituted severities, and, by sanctioning his grandchild's choice, incapacitated her mother from playing the part of Lady Stair. Lady Jean, too, proved her heart of firmer fibre than did the Bride of Baldoon.

The garrisons which he had so ardently desired to plant throughout the West, Clavers had at length succeeded in obtaining from the Council, after various struggles with the now unfriendly Chancellor. Having just completed a tour of inspection, he believed he could answer for peace and order 'so long as the forces continue thus posted, and England keeps quiet.' Events were preparing to disappoint him.

CHAPTER XIV

1684

Marriage—The Black Loch conventicle—General Dalyell—A disturbed honeymoon—Vindictiveness—Rides and reports—Enterkin rescue—Executions—Arrival at Dudhope—Capital punishment for theft—Commission with Queensberry—Remarkable storm.

A DISTINGUISHED wedding-party met at Paisley Abbey on June 9, 1684; for the gentlemen whose signatures are attached to the marriage contract 'betwixt Colonel John Grahame of Claverhouse and Lady Jean Cochrane,' could not fail to be accompanied by their female relatives. It has been imagined that he was hardly a very eligible match as yet for a lady of her rank; but it is forgotten that his mother also was an Earl's daughter, and that he was a richer as well as incomparably a more influential man than his father could ever have been. Lord Montgomery was there; and Lord Ross; so were John and William Cochrane of Ochiltree, sons of the fugitive traitor Sir John, but permitted by royal clemency to remain undisturbed in their paternal home; and surely they must have brought with them their brave and high-spirited sister, Grizel, scarce eighteen, and destined a year later for the heroine of a ballad-story unmatched in filial devotion and daring.[1] One

[1] She is said to have disguised herself as a highwayman, and twice robbed the mails, to stop her father's death-warrant.

must perforce wonder in what light she regarded the stern and stately persecutor who had made such progress towards overruling a nation's will and forcing back into allegiance to an hereditary successor that popular majority which she must have been trained to hold invincible as modern thought supposes it to be. After all, his surroundings for the moment were strangely incongruous; and he stood there isolated. Not even his brother was present; for his lawyer, Colin Mackenzie, signed as bridegroom's witness. The original document is preserved at Duntrune; showing in faded ink the blotted signature of old Earl Dundonald, and the large indistinct one of his Countess, who placed her name where that of the bride's mother, consistently resolute in her disapproval, ought to have come. The Lords Ross and Cochrane wrote their titles with manly firmness, and Colin Mackenzie, who had finished the contract in a great hurry and not very neatly, leaves a little space between each of the crabbed letters of his name. The bridegroom, entwining his initial 'J' according to his custom with G in Grahame, wrote that name lightly and gracefully, and the bride, with a pathetic little quiver in her delicate strokes, tried hard to imitate him. There is a world of meaning in that trifling detail. No woman copies a man's handwriting unless she loves him.

By the provisions of the contract Lord Dundonald gave with his granddaughter a dowry of 40,000 marks, amounting to 2,214*l.* sterling; while the jointure settled on her in return was 276*l.*, or 5,000 marks, yearly, with the life-rent of a manor-house, Glen Ogilvie, which Mr. Auchterlony's description of Forfar, already quoted,

declares 'a pleasant place, a good house, and well planted.'

A sketch by his friend, Mr. C. K. Sharpe, from a portrait of Lady Jean Cochrane, is reproduced in Mr. Napier's second volume, and shows her to have possessed small features, and a long slender neck. Elsewhere we learn that she had 'beautiful auburn hair and a fine complexion;' although she was marked, perhaps very slightly, by small-pox. An elegy, in the fashion of that time, describes, after her death in 1695, her 'stately person and most beauteous face.' She must have been youthful compared with her bridegroom, who could not now have been less than five-and-thirty. A tradition, demonstrably false in every particular that can be tested, yet repeated frequently ever since Mr. Robert Chambers first printed it, attributes to her a culpable levity in promising during the lifetime of Clavers that she would take Viscount Kilsyth for her second husband, should she ever become a widow; in consequence whereof, says the story, Kilsyth treacherously shot Dundee at Killicrankie, and married her about a year afterwards. The old Lady of Claverhouse, Dundee's mother, besought Heaven not to let this wicked couple escape some signal evidence of its justice, and as a sequent to that prayer a house in Holland fell in, and crushed Lady Kilsyth, her maid, and her young infant, Kilsyth's child. The last genuine catastrophe no doubt originated the rest of the story. After Dundee's departure for the Highlands, Kilsyth, through the medium of his wife, though not by personal communication with her, offered him military assistance. He was in consequence imprisoned by the Revolution Government, and remained a prisoner, not only at the

time of Dundee's death, but for two years after it. He was then banished the kingdom, after being allowed a few months to set his affairs in order, during which period he married Lady Dundee. His sufferings for her husband's sake might well excite her sympathies, divergent as these were from those of her own family in every respect; but his character, which Fountainhall indicates to have been previously that of a dissolute cavalier, might possibly render her union with him derogatory in the eyes of some to whom Dundee's memory was sacred. On her death, by accident as mentioned, her corpse was embalmed for conveyance to Scotland, and so perfectly was this done, that a hundred years after when her coffin was opened she looked as if merely asleep, and the particulars of her appearance just now recorded are extracted from different descriptions given by those who viewed the body. This is in effect all that is known about her, except Dundee's own statement that she had raised money for him in his severest straits, which she could have done only by affecting her jointure, so that it is hard to say what better proof of wifely devotion could be preserved than is afforded by the incident. Beyond this, to their married life two references only remain; one being Balhaldy's observation that family worship was performed regularly, morning and evening, in Dundee's household; and the other his characterising the Viscount as 'ane indulgent husband.'

On Saturday, June 7, Clavers had ridden down from Edinburgh through a perfectly tranquil country, leaving word with the General, as he passed at Glasgow, that he would be at Paisley if wanted. On Monday, June 9, as aforesaid the contract was duly signed.

Tuesday was his marriage-day ; and as the summer was an exceptionally fine and dry one, sunshine may be presumed. Between the Abbey mansion and the church, connecting the buildings, although walls are now closed up between them, is a chapel, containing a fine altar-tomb of Marjorie Bruce ; while under the slabs beside her lie buried her son, Robert Stewart, and his two queens, Elizabeth Muir and Euphemia Ross, respectively ancestresses to himself and to Helen of Menteith. He could scarcely forget his earlier matrimonial venture in the completion of his new one. That very morning, either immediately before or after the nuptial ceremony, came a summons from General Dalyell to Lord Ross, ordering him to take the regiment and set out at once in pursuit of a dangerously important conventicle started on Sunday at the Black-loch in Stirlingshire. There were about a hundred armed men not yet dissipated. Orders were issued thus to the second officer in consideration of the Colonel's particular engagement that day. 'Neither love nor any other folly shall alter my loyalty,' he had written three weeks ago, and he proved his sincerity by springing into the saddle and joining the perilous chase at once, on his own responsibility. The Life Guards, formerly commanded by Montrose, were at his disposal now; one half, or what ought to have been one half ('twenty-two when they ought to be fifty,' writes Clavers), were quartered near by; he called them out, and at their head rode over muirs and mosses all that night, and next day. Colonels Wynrahame and Buchan were also on the quest; and returning after a long circuit to Strathaven without seeing an enemy, he gave up command to the latter, with orders to make one more tour in his way back to

quarters, and returned on Thursday to his bride at Paisley. Colonel Buchan during his march 'fell on an ambuscade of two hundred rebels, seven of which, being off their body, fired on four of ours and wounded one of them. They followed the rogues and advertised Colonel Buchan, but before he could come up the party had lost sight of them. Colonel Buchan is yet in pursuit, and I am just taking horse. I shall be revenged some time or other of this unseasonable trouble these dogs give me. They might have let Tuesday pass!'

This vindictive sentiment, unique from the pen of Clavers, concludes a letter written on Friday morning to Sir David Falconer, Lord President. The wounded soldier died. Clavers went over the old ground again, and much further; till, after three days more, he declares 'We have left no den, no knowe, no moss, no hill, unsearched,' and that 'the troops complain mightily of this march, and I see not what more can be done.' From Kilbryde, late on Sunday night, Lord Ross sent a few lines to the General, adding thereto: 'Claverhouse will give your Excellency more full information,' which accordingly the indefatigable Colonel achieved, and General Dalyell received both reports at two in the morning. A little irritation in a veteran past eighty when thus disturbed is explicable. 'If each man acts after his own fancy,' he writes at that uncomfortably early hour, '*without any order*, his Majesty's affairs may suffer, and I doubt not but they will, if some one have not the direction of the war. For this two days bygone, I could not determine whether to draw together the whole forces, or to march with a part of this garrison; for it looked very like a general insurrection, and it seems to be something in order to it.' He had

written on the previous morning to the Lord Justice-clerk :—

Your Lordship knows my opinion was that the army should have lain in leaguer in the summer time, and to remove as the service should require to several stations ; and not to have the small forces hazarded in petty parties at the discretion of *some people* who hazards them upon very unequal terms ; and I pray God prevent the danger may follow on it ; for the ruffle of an inconsiderable party of the King's forces will raise a formidable rebellion. If your Lordship please to communicate this to the Lords of his Majesty's Council, I hope my zeal to his Majesty's service will plead the pardon of, my Lord,

Your Lordship's humble servant,
T. Dalyell.

Lord Maitland, remembering Dudhope, was not likely to withhold it ; but though an officer of State he was no member of the Juncto, and after consideration the Council acceded to General Dalyell's desire that 'some one should have the direction of the war' in a manner rather opposite to his intention. On August 1 Clavers, with Lieutenant-Colonel Buchan, was empowered to issue orders 'to the haill forces, foot, horse and dragoons, in the shires of Ayr and Clydesdale.'

Returning once more to his sorely interrupted wedded bliss at Paisley, on Monday, June 16, he found a demand for information of what had happened from the Archbishop of St. Andrews. He thus defends himself from imputations of remissness :—

May it please your Grace, I had not needed any order to have written to your Grace if I had been sure my letters would have found you at Edinburgh. I have given account of what has passed here every post to those of the King's

servants that are at London ; and have given the General particular accounts of everything from time to time, whose business it was to acquaint the Council with it. However, since your Lordship desires me to do it, I shall.

He recapitulates the whole of his day and night marches during the first week of this remarkable honeymoon. Mr. Napier was justified in comparing the fatigues of writing about it with the fatigues of riding. He concludes by saying that 'the troops being extremely harassed by marching so much on grounds never trod on before, I have sent them with Colonel Buchan to rest at Dalmellington till we see where these rogues will start up again.'

A meagre period of seasonable tranquillity was vouchsafed to the much-tried guardian of the peace in those shires. Midway in July, a party of his forces, convoying sixteen prisoners to Edinburgh, were waylaid in the gloomy and wildly picturesque ravine of Enterkin, and one or two of them were killed. Of the prisoners, most were rescued ; others were slain in the conflict, two broke their necks over the precipice, and two only were carried into Edinburgh.[1]

Within the month Clavers captured three of the rescuers and escorted them safely to Edinburgh, where they were quickly tried and hanged. A letter of his, dated August 5, shows him still in full activity, and keeping a wide stretch of country under surveillance, by continual marches. At last he found time to accompany his bride to the home he had won for her, and on August 25 he writes for the first time from Dudhope, hoping that none will reproach him with 'eating the

[1] Fountainhall, *Decisions*, July 26.

bread of idleness,' though he stayed a few days there. It is significant how little he ever incurred such a reproach, that but one other letter exists bearing that place of date for all the five years of his married life to come. Idle he was not, even then. He was in Edinburgh on September 10, with evidence that he had been thoughtfully investigating the duties of his new magistrature, and dealing with arrears of justice that had accumulated since Lauderdale's deposition that spring.

Edinburgh, September 10, 1684.

Whereas it being represented to the Lords of his Majesty's Privy Council by Colonel Grahame of Claverhouse, Constable of Dundee, that there are several persons in the Tolbooth of that Burgh for petty or small thefts or picking, which will be fitter to be punished arbitrarily than by death. The said Lords do therefore give full power and commission to the said Colonel Grahame of Claverhouse, Constable of Dundee, to restrict the punishment appointed by law against such persons within his jurisdiction already made prisoners, or that shall hereafter be made prisoners upon account of the foresaid petty and small thefts or pickings, to an arbitrary punishment such as whipping or banishment as he shall find cause.[1]

Sir George Mackenzie, the 'Bluidy Advocate' of Scottish popular tradition, in his treatise on the Laws of Scotland, deprecates capital punishment for theft except in aggravated cases. Conjointly with his friend the 'Bluidy Clavers,' he must be credited with this local amelioration of law so long in advance of any general reform either in Scotland or England.

[1] 'Privy Council Register,' extracted by R. Chambers, *Domestic Annals*, and by Mr. Napier.

At the beginning of October, Clavers returned to the West, joined in commission with Queensberry himself whose Dukedom was now promised, and who was virtually Prime Minister, fast rising on the fall of Aberdeen. The last had never thriven from the moment he 'transacted the fine given to Claverhouse,' and lost his good word at Court. Lord Drumlanrig, Queensberry's eldest son, made a third member of the Commission appointed to hold Sessions in the South-west. Similar groups of Privy Councillors were appointed for other districts. Their aim, besides trying offences of a public character (more than one instance of oppression was punished by them), was to obtain an engagement from the principal landholders that they would assist in enforcing existing laws against nonconformity and rebellion; and, if possible, a nominally voluntary offer of additional land-tax for the King's service in proof of loyalty. In the latter endeavour Queensberry and Clavers were more successful than their colleagues, but on the other hand were blamed for allowing terms too easy in the landholders' engagement. Stricter bonds could be obtained, wrote Clavers, 'but when it is done I think it should be altered, for it is unjust to desire of others what we would not do ourselves; and I declare I think it a thing not to be desired that I should be forfeited and hanged if my tenant's wife, twenty miles from me in the midst of hills and woods, give meat, or shelter a fugitive.'

Stair himself could not have put a case more strongly against the Government; and Clavers's frankness was prejudicial to him ere long. The old 'Memoir' of Dundee supposes that a breach occurred between him and Queensberry while they sat together in Commission

at Dumfries, which 'obliged Clavers to leave the Circuit, and in one day when the ground was covered with snow, he rode from Dumfries to Edinburgh, which is above sixty long miles.' The letter just quoted shows them to have been still in most friendly temper after parting; and its opening—'I came to Edinburgh with clear daylight, and your letters were delivered to Hugh Wallace's wife in good time'—indicates that the journey was expeditiously performed to oblige Queensberry. Fountainhall records on the 27th, 28th, and following days of October—'a great storm of snow and frost, with thunder and lightening and much shipwrack of many vessels at sea.' Clavers writes on October 30 from Bruntisland, *en route* for home, after spending a day in Edinburgh; so he must have ridden through the storm on the 28th. Earl Balcarras, who appears here for the first time in his correspondence, had dined with him at Blair's famous coffee-house, and been consulted about a similar Commission for Fife, but 'durst not undertake it;'—thinking a shire whose loyalty was under little suspicion would not resort to expensive self-vindication. His scruples gave way some time later; and Clavers, for the second time royally commissioned, became his colleague. It is worth notice that whatever work, civil or military, he was set to do, he did it in such fashion that he was always desired to indoctrinate some one else in his methods.

'I design to be over again by the end of next week,' he concludes. But it always happened that when he proposed to himself a relaxation, however brief, from vigilance, the opportunity was instantly snatched in the West. Queensberry remained at Sanquhar; but Clavers had scarcely left it when Renwick's famous Proclama-

tion was posted in that neighbourhood; and as it led directly to the most severe and inquisitorial measure ever executed by Clavers, or commanded by the Government he served, it is well to review his general agency in bringing it about.

CHAPTER XV

1684

Political situation—Success of Clavers in his undertaking—Renwick's declaration—Murder of guardsmen—Alarm of the Government—Abjuration oath—Curate of Carsphairn—Attack on Kirkcudbright—Affair at Water of Dee—Executions.

THE declaration, printed by Wodrow at p. 96 of his third volume, and attributed by him to the more moderate malcontents in the year 1679, is worth perusal. Its main principles, that a people is a competent judge of its own grievances, that it has a right to rise in arms when precluded from constitutional redress, and that a distasteful ruler may be rejected by national will, are now-a-days too fully recognised to require justification. But after the excitement and the calamities of Britain's Civil War, a large number of Englishmen and Scotsmen were far from recognising them. England had suffered, but her condition had been Arcadian compared with the state of Scotland in 1645. Faith in hereditary Divine Right had taken the stronger hold because it was confronted there by something worse almost than anarchy; a kind of theocracy which would place body and soul alike at the mercy, or rather under the dominion—for they had no mercy—of self-constituted oracles. Submission, however palp-

ably suspicious, was accepted by Clavers in his sternest moods. 'Argyle shall have a perjured dog of you!' as he dismissed a Whig, who had pronounced the Abjuration under terror of carbines;[1] but Renwick, the preacher, declared that 'feigned obedience shall not be taken off enemies' hands.'[2] 'They that will not serve God, to themselves be it said: The Day is near when Blood shall be the Sign of Christ's Soldiers, and *No Quarters* shall be their Word; Death and Destruction shall be written in broad Letters on our Lord's Standard.'[3]

The above-mentioned moderate Declaration shows that its principles, so just in themselves, derived their active force in that period from popular belief in a tissue of falsehood. Except for the Popish Plot, no lever strong enough to overthrow the lawful succession existed. From the battle-fields of the continent Clavers stepped suddenly into the strife of an Exclusion controversy. His ancestral sympathies decided the part he took in it. He found the whole island a magazine of explosives with a train laid at one corner—a train firebrand orators were labouring to ignite by tales of intended massacre, which they perchance believed themselves, but which he knew to be falsities. He stamped out its first flickering blaze at a crisis most alarming, and he gave up his life to the task of keeping down its smouldering embers. Rightly has he been called 'the Despot's Champion.' 'That the people has right to dethrone the King and set up another, I am sure a man of your sense can never be so far fooled as to believe,' are words used by him years

[1] Wodrow, iii. 256.

[2] *Sermons*, p. 270.

[3] Letter of Peden, printed in *Biog. Presbyteriana*, i. 98.

afterwards to Lord Murray, which display the constancy of his convictions. That an East-country Laird of moderate station and fortune should have undertaken to counteract a nation's inherent tendencies infers to modern judgment something like insane presumption; but the difference between presumption and genius is registered by success; and Clavers succeeded. For three years James II. sat on a peaceful throne, and had not his own repeated follies culminated at the same moment when an heir who could be stigmatised as an impostor was born to him, he might have sat there longer, and given place in course of nature to a daughter whose adherents would have maintained the same prerogatives.

The Seven Bishops concerned England only. Scotland, while the iron yoke of Clavers's garrisons lay on her neck, could effect nothing against established authority. In 1684, however, his work was not yet accomplished. Reaction had set in; but rebellion was smothered, not eradicated. While one man proclaimed defiantly among an excitable peasantry the right of armed resistance, danger remained. Proscription gradually more and more stringent had been used to compel submission, and those whom it failed to reclaim were rendered desperate. Return to social life was not denied them if like vanquished combatants they would agree to bear arms no more; but so long as they remained unvanquished, association with their neighbours would have enabled them to establish fresh hotbeds of sedition wherever they were sheltered. The Government was not yet strong enough to despise sedition.

The principles of that Government are no longer debatable. Modern opinion pronounces them to be

wrong. Clavers, and some of his contemporaries who were far from being fools, entertained a passionate conviction that they were right. Hitherto he had personally sustained those principles without cost to human life, save on the battle-field, unless his counsel against clemency in the case of Boig can fix responsibility on him. The time was coming when he must choose between blood-shedding and failure with all its attendant consequences to the cause he upheld.

Five years of persecution had nearly suppressed the conventicle preachers who in 1679 stirred up the people of Scotland. Some had been executed for rebellion, some imprisoned, banished, or otherwise silenced. Their place was taken by a raving visionary named Alexander Peden, and by James Renwick, a young man lately ordained in Holland, and gifted with enthusiasm enough for them all. Around them gathered the bolder spirits whom no terrors could tame, and these, resenting the language of public documents which charged them, as non-recognised combatants, with murder, whenever they chanced to kill soldiers, determined to justify themselves by a formal declaration of war against King Charles II. and all who in Church, State, or Army, sustained his authority against their Covenants. This remarkable manifesto, printed by Wodrow at p. 148 of his fourth volume, was affixed at market-crosses and on church doors throughout the south-western shires. It was first published on October 28, the very day on which Clavers turned his face eastward. 'We do hereby declare unto all,' bears the published document, 'that whosoever stretcheth forth their hands against us while we are maintaining the cause and interest of Christ against his enemies in the defence of our covenanted reformation, by

shedding our blood actually, either by authoritative commanding such as bloody councillors . . . and all in civil or military power who make it their work to embrue their hands in our blood, or by obeying such commands, such as bloody militiamen, malicious troopers, soldiers, and dragoons . . . such as designedly and purposely advise counsel and encourage them to proceed against us to our utter extirpation by informing against us wickedly, wittingly, and willingly, such as viperous and malicious bishops and curates, and all such sort of intelligencers who lay out themselves to the effusion of our blood; together with all such as in obedience to the enemies, their commands at the sight of us raise the hue and the cry after us; yea and all such as compearing before the adversaries, their courts upon their demands delate us, and any who befriend us, to our and their extreme hazard and suffering; we say all and every one of such shall be reputed by us enemies to God and the covenanted work of reformation, and punished as such according to our power and the degree of their offence. . . .'

November 10, 1684, Lord Register Tarbet addressed Queensberry:—

Right Honourable,—This day the Secret Committee have met on occasion of a paper affixed on the Cross of Linlithgow declaring war with the Government and promising to kill us all.

He passed easily to other business, but added a postscript:—

Since we find that there is a party declaring war who lurk within us, we think on a strict enquiry for all in the nation that will not forswear these opinions and at any rate to free the kingdom of all of them for (a word illegible) or hawking are judged absolutely insecure.

Ten days later his tone is changed. Two Life-guardsmen, Thomas Kennoway and Duncan Stuart, were murdered at Swyne Abbey in East Lothian. Queensberry announced the fact to the Register, who responded in a note 'scarcely decypherable,' says Mr. Napier, from haste and agitation:—

Edinburgh, 20th November, be 10 forenoon.

Right Honourable,—For God's sake take care of yourself, for now that these villains are at the utmost despair they will act as devils to whom they belong. I shall leave to write a long letter which I had intended, for now I think all other matters are to be left till these wild cats be catched. We were busy on the whole, but I will not detain your bearer.

I am, my Lord, your most faithful humble servant,
GEO. M'KENZIE. (of Tarbet)

Accordingly, on November 22, Renwick's Proclamation was considered by the Lords both of Council and Session; and it was unanimously resolved that refusal to disown it on oath inferred the guilt of treason. 'It being put to the vote whether or not any person who owns or does not disown the late traitorous declaration upon oath should be immediately killed before two witnesses and the person or persons who are to have instructions from the Council to that effect? Carried in the affirmative.'[1]

Clavers was not present at this debate; neither were all the members of the Juncto. Some of the noblemen who decided it were afterwards favoured Councillors of King William. That they conceived the condition of the times to require an inquisitorial test of submission

[1] 'Register of Council,' quoted by Wodrow iv. 154.

is perfectly clear. At first they ordered it to be applied only in neighbourhoods where crime had taken place; but it was more widely extended ere long. This was the form in which the Oath of Abjuration was actually imposed:

'I, A.B., do hereby abhor, renounce, and disown, in presence of the Almighty God, the pretended Declaration of war lately affixed at several parish churches, in so far as it declares a war against his sacred Majesty and asserts that it is lawful to kill such as serve his Majesty in Church, State, Army or country.'[1]

No religious question was herein involved; the words 'in so far' limiting renunciation to the points, declaring war, and asserting lawfulness of killing. A clause was afterwards added: 'I do solemnly swear not to take up arms against the king or any commissioned by him.' Any person who had already committed violence against the Government might swear that he would do so no more. To take the Abjuration was therefore no proof of innocence in the past, nor could it preclude prosecution for deeds already accomplished. But to refuse it was open avowal of treason; and to those who thus declared war martial law was accordingly applied, at first in consequence of special outrages, and afterwards during those months of 1685 when civil war was imminent. It was to be supposed that none would refuse an oath so worded, unless already criminally involved. For whatever the opinions held by a prisoner of war, he will not refuse his parole to bear arms no more, where the alternative is death, or captivity that will for ever prevent his bearing arms. Sir George of Rosehaugh tells us that secret orders

[1] Wodrow, iv. 161.

were given that the Abjuration should be employed as a test no longer than a fortnight, but if so the period must have been lengthened to months under renewed exigency.

Although not present on the 22nd when the Abjuration Act was framed, Clavers shares its responsibility, for he signed on the 23rd an Order of Council putting it into effect. It was not resisted in the locality where it was first administered; and no discovery was ever made of the Swyne Abbey murderers. Emissaries from a distance may both have fixed up on the market-cross and carried out at Linlithgow the Western Proclamation. On December 2, regulations for applying a new indemnity were issued, by which minor offenders already in prison were freed upon taking the Abjuration; and even those persons declared fugitives, if within twenty days they applied for pardon, might receive it on condition of taking the oaths of allegiance and Abjuration; or else free leave to depart out of the three kingdoms might be purchased by the Abjuration only.

On December 12 a second blow fell, from hands at first undiscoverable as those that wrought the deed at Swyne Abbey. The Curate of Carsphairn had provoked danger, not only by furnishing information to the authorities, but by maintaining that 'Papists were better subjects than Presbyterians, and other positions abundantly irritating.' 'Several of his brethren about the time of the Society's Declaration had the caution to retire for a little, but he would needs brave it out.'[1] He was murdered at his manse in the night-time, by a party of men among whom was a nephew of James Mitchell, formerly hanged for attempting the life of

[1] Wodrow, iv. 196.

Archbishop Sharpe. Several places besides the manse at Carsphairn were attacked about the same time, and Kirkcudbright was assaulted by a party numbering one hundred and eight. A sentinel was killed; the prison was broken open, captives rescued, and arms carried off. Colonel Grahame was in Edinburgh when the Curate was murdered; but so soon as the news arrived from Lord Kenmuir, he swooped down upon Nithsdale. Fountainhall records in his 'Decisions,' under date December 21, 1684, that 'Letters came from Colonel Grahame of Claverhouse, then in Galloway, that he had met with a party of these rogues who had skulked (if their retiring holes could be got they are so cowardly they may be easily routed;) he had followed them, killed five and taken three prisoners, some of which were of the murderers of the minister of Carsphairn; and that he was to judge and execute the three prisoners by his Justiciary power.'

Two of the three prisoners were tried and hanged. They are recorded in the 'Cloud of Witnesses.' The third seems to have been spared. Wodrow and other writers reckon the five men slain as above among victims of cold-blooded military execution. Evidence on that point will be compared in Chapter XVIII.

Fountainhall adds, concerning the 'wild fanatics:' 'They ridiculously keep mock courts of justice, and cite any they judge their inveterate enemies to them, and lead probation and condemn them and thereafter murder them. And thus they proceeded against Nory, minister of Dunfermline, but he kept himself out of their way.'[1] Doubtless the oath would be pressed in a district whence such occurrences were reported.

[1] Fountainhall, *Decisions*, i. 320.

CHAPTER XVI

1684—1685

Quarrel with Queensberry—Commission with Earl of Balcarras—Death of Charles the Second—Disgrace of Clavers—Rapacity—Court intrigues—Colonel Douglas—Severities

BEFORE Colonel Grahame started to avenge the Curate of Carsphairn, there had occurred a scene in Council which Fountainhall alone relates, but to which subquent allusions are made in many ways. Some soldiers dismissed from the Foot Guards, commanded by James Douglas, Queensberry's brother ('he studies to get them all of one height,' remarked Fountainhall, a few weeks before; so perhaps they were ill-grown ones), petitioned the Council for arrears of pay, alleging that Douglas had clothed other soldiers therewith. Clavers sustained their complaint, and said it would discourage any to enter his Majesty's service if they were used thus. 'The High Treasurer resented this; and said none would doubt but his brother knew his duty; and they had gotten coats at their entry for nothing, and so should pay for them. Thus grew the difference between Claverhouse and the Treasurer.'

Several incidents conspired to create friction. Sir John Dalrymple had been released that very day. A

curious appeal came before the Council on the same date. Sophia Johnston, sister to a druggist, pursued Hamilton, Lord Bargeny, for seduction under promise of marriage, or rather to compel under Scots law adherence to that promise, which his Lordship denied. 'At the bar she was much transported with passion against my Lord, calling him a false villain.' Decision was deferred, and Fountainhall does not mention the result, though it may be divined that a druggist's sister had no chance against a peer. Lord Bargeny had been so much associated with Presbyterian professors that he had been threatened with process for treason after Bothwell; and fresh evidence had lately been given before the Council that expectations of his becoming their leader were rife in the rebel camp before the defeat. It may be conceived that Clavers would feel scant indulgence for such a man's weaknesses, while Queensberry's friendship for the Hamiltons would lead him to hush them up. Fountainhall does not say that the Colonel lost his temper when rebuffed in his advocacy of the discharged soldiers; but Queensberry manifestly asserted that he did so. On December 18 the Duke of York wrote to Queensberry, 'I am sorry to hear that Claverose was so little master of himself the other day at Council. Both the Chancellor and Lundin gave me an account of it, and of your temper not to take advantage of it. I have a letter from Claverose by the last post, who endeavours to excuse his warmth by saying he took what was said as levelled at him.'[1]

Succeeding letters show a desire on the Duke's part to smooth the matter by merely reprimanding Clavers

[1] Napier, iii. 433.

and obtaining from him some formal apology; while deeper thoughts lay in reality in Queensberry's mind. General Dalyell was growing superannuated; a few weeks or months would see the appointment of a new Commander-in-Chief, and unless some check could be administered to him Clavers stood fairer for advancement than did Queensberry's brother. His predominance had evoked jealousy before now, and it was not difficult to fan the sentiment. Early in that year, Lord Moray, Secretary of State, had written to Aberdeen: 'I find Claverous has been dealing to get his Cornet preferred to Sir Francis Ruthven's place, and he will get it. The Duke told me he would write to you himself of that matter this night, and the reasons why he ought to have the preference. When you see them you will judge best of the matter yourself.'[1] Moray was now Queensberry's agent in undermining Clavers at Whitehall; and his co-secretary, Lundin, soon afterwards Earl of Melfort, for the moment appeared to coincide with him, though, as he was Lady Errol's brother, his prepossessions actually tended otherwise. On December 23, having no doubt been necessitated to report Colonel Grahame's success against the Carsphairn murderers, Queensberry had qualified it by recalling his own grievance, for Moray replies to a letter of that date: 'I do assure you the Duke is very sensible of Claverhouse's carriage in that matter wherein your Grace did so generously and like yourself; and expressed to me as much as could be said to show his dislike upon that occasion.' Other allusions are in a similar strain. Nevertheless his commission with Balcarras for regulating the affairs of Fife was duly signed;

[1] *Aberdeen Papers*, p. 160.

and his work in that quarter commenced on January 15 1684.

Charles II. died on February 6, and Clavers was again at his place in Council when King James was proclaimed. He was not to occupy it long. Sure of monopolising his new monarch's ear, Queensberry no longer kept any terms with him. On March 2 Fountainhall notices that 'Account being given to the Secret Committee that the Western fanatics were very insolent, especially against the ministers, and those who had taken the Abjuration Oath, they sent Colonel Douglas against them, in pique to Claverhouse, though the ministers of Galloway said his name was more formidable there.' Immediately upon this supersession 'The High Treasurer caused Hugh Wallace, Cashkeeper, charge Claverhouse on a bond he had given to the Exchequer for the fines of delinquents in Galloway. Alleged.—His brother was gathering them in, and craved a time. They offered him five or six days. He said that was all one, considering the distance, as to offer him none at all; whereon the Treasurer replied, "Then you shall have none."'

These were the proceedings to which 'the Crown Officers,' according to the 'Pictorial History of Scotland,' 'were compelled to have recourse in order to make him disgorge the forfeited possessions of the Covenanters.' No further notice occurs in the 'Decisions;' but Fountainhall kept other diaries. His 'Historical Observes' contain this passage at the end of that same year, 1685: 'The King was so ill-satisfied with what the Treasurer had exacted of Clavers that he ordained the Treasurer to repay it.'[1] Chancellor Perth and High Treasurer

[1] *Hist. Obs.* 240.

Queensberry were summoned to London on March 2, the same day when a hypothetical obligation had been so summarily enforced. On April 9, the latter's representations were shown to have taken effect; for, 'At Privy Council a new Commission was produced, omitting none of the former Privy Councillors, but only Colonel Grahame of Claverhouse because of the discords we have formerly remarked between him and the High Treasurer and his brother. The pretence was that having married into the Lord Dundonald's fanatic family, it was not safe to commit the King's secrets to him.'[1] His place was filled on April 21 by Colonel Douglas.

'April 16, at Privy Council, there is an Act made in odium of Claverhouse, and to stir up the people to complain of him (as was expected), commanding all officers and soldiers to pay their quarters before they remove, under the pain of cashiering and other fines, and that they may be readily answered and not extortioned, the Sheriffs are to set rates on hay, straw and grass conform to the third act of Parliament, 1681. Yet many of their quarters remain unpaid; for the soldiers threaten the tenants when they offer to exact payment that they will be about with them in other ways.'[2]

A third endeavour to convict Clavers of extortion was thus made. That it was fruitless, like all the preceding efforts in the same direction, can hardly be ascribed this time to partiality on the part of ruling authority.

His disgrace was no sooner notified by expulsion from the Council than he wrote to London for permission to come up and vindicate himself personally. Lord Moray's answer and consequent correspondence with

[1] Fountainhall, *Decisions*. [2] *Ibid.*

Queensberry should be read in Mr. Napier's pages to be thoroughly appreciated. The King had desired Moray to write Clavers word that on acknowledgment of his fault he should be reinstated. On Moray's demurring, he suggested Middleton's doing it, which Moray deemed yet worse, he being Secretary for England. 'I told him he knew Claverhouse to be of a high, proud, and peremptory humour; and if such a letter was written to him, he would conceive that what the King had done was not his own choice, but extorted by importunity, which would certainly blow up his humour to a greater insolence than ever.' It much displeased Moray to learn that Lord Advocate Mackenzie had discovered the true motive of these representations, namely, that 'Colonel Douglas must command the army.' 'I was amazed to hear such language in a letter from him, if I could think anything a wonder *he does*!' Similar deprecation was gone through on receipt of Colonel Grahame's appeal to be heard in self-defence; and at last leave was obtained to forbid his coming to London till he was restored to his place in Council by Queensberry's intercession, for which he was advised by Moray to make speedy request. They really seem to have expected he would humble his pride to do so; but as time passed and he kept silence, they apprehended his essaying, in defiance of prohibition, to obtain a personal interview with King James. The quarrel attracted attention even in London, for Moray remarks that 'Idle stories are every day forged here. Earl Dumbarton asked me if I had heard anything of your brother being wounded in some private quarrel. I told him "No," and I was sure it was as false as hell.' Some thought they had caught a glimpse of Clavers in a coach; others

that they had seen his servant on the Exchange. Neither was there in reality; and so late as May 3, Moray expressed a hope that the King was still firm regarding Clavers.

On April 21 a Commission of Justiciary was issued to General Drummond, which, by superseding all other commissions, military and civil, for dealing with the Western shires, reduced Clavers and Colonel Douglas with apparent impartiality to a level; but was most likely intended to do away at once with the ascendency the former had so long maintained through the varied powers from time to time conferred on him. He was a mere Colonel of Horse now; and for a short period he was not engaged actively even in that capacity. It is remarkable that the severest instances of slaughter in cold blood under the Abjuration Act occurred during Colonel Grahame's sequestration and disfavour. Early in 1685 Fountainhall observes: 'The few handful of fanatic rebels left in the West turning very insolent, the High Treasurer to put a rub on Claverhouse, who had been lately there in December last, and could not wholly suppress them, causes his brother Colonel James Douglas select out of his whole regiment two hundred of his prettiest men, and by order of the Privy Council sends him against these rogues, that the glory of defeating them might fall to his share. And accordingly, Douglas being one day in the fields in Galloway with a small party of eight or ten, he meets with as many of the rebels at a house, who kill two of his men and Captain Urquhart Meldrum's brother, and had very near shot Douglas himself dead, had not the Whig's carbine misgiven, whereupon Douglas pistolled him presently.'[1]

[1] *Hist. Obs.* 146.

Wodrow, and the list dated 1690 of 'Persons killed in the fields without process of law by the Council's Murdering Edict' (printed in the 'Cloud of Witnesses'), relate this affair without a hint that any shot was fired in the course of it by the Whigs. Wodrow says: 'Nothing was to be charged upon them but that they were persons upon their hiding and at prayer. Whether the Abjuration was offered or not my information doth not bear.' Six men were shot, in or after the affray. The killing of John Bell of Whiteside, and of several other persons, falls also within the first three months of 1685. So also does the trial and sentence of two women since rendered famous by the controversy waged as to their eventual execution after reprieve. Admission of the fact that 'Drowned they were indeed,' by a contemporary Jacobite pamphleteer, is decisive. That it occurred under Colonel Douglas's sway is thus stated as early as 1690, in 'A Short Memorial of Sufferings and Grievances:' 'The said Colonel or Lieut. General James Douglas, together with the Laird of Lagg and Captain Winram, most illegally condemned and most inhumanly drowned at stakes within the sea-mark two women at Wigton, viz. Margaret Lauchlan, upwards of sixty years of age, and Margaret Wilson, about twenty years of age, the foresaid fatal year 1685.' The 'Grame' mentioned as an 'actor in this cruel crime' by an epitaph in the 'Cloud of Witnesses,' is David Grahame, Clavers's brother, who held his place as Sheriff. The Laird of Lagg, another of the presiding magistrates, was married to a sister of Queensberry and Douglas. If Clavers had not been superseded by Douglas in his 'care of that country,' it may be believed that his brother, so long his depute, would not have acted without his approval;

but on April 13, the date of the trial, Douglas's Justiciary Commission was in fullest force, and it is most unlikely that Clavers was consulted, or that his views on the drowning of women, whatever they may have been, could have interfered with his brother's official action under another's authority. Among the magistrates directed to 'concur with,' and follow 'instructions' from, Douglas, is mentioned 'Mr. David Grahame, *Sheriff*' (not Sheriff-depute) of Galloway. So that Clavers could have no recognisable influence of any kind at that time in the district.[1]

There were more reasons than one for enhanced severity. A body of eighty rebels in arms had been defeated in Ayrshire by Colonel Buchan and Lord Carnwath, on Feb. 13. One was killed and three taken prisoners.[2] About March 27 Fountainhall notes that about one hundred rebels had come out of Ireland on account of a search there. They were 'well armed and appointed.' 'They had one Mr. Peden a minister with them and one Isaac who commanded them; they had frighted the most part of all the country ministers, so that they durst not stay at their churches but retired to Edinburgh or to garrison towns, and it was sad to see whole shires destitute of preaching except in burghs. Wherever they came they plundered arms, particularly at my Lord Dumfries' house.'[3]

On the other hand a fresh indemnity had been offered, March 2, to all commoners except a few specified assassins, who within twenty days should address themselves voluntarily to the Justice Court or Sheriffs, and either take the oath of allegiance, or find caution to

[1] Wodrow, iv. 207. [2] Council Record, quoted by Wodrow, iv. 204.
[3] *Decisions*, p. 359.

transport themselves out of the kingdom and never return.

'Let me see the man that says he is not for fighting but for suffering; it may be confined in the breadth of a farthing that that man will suffer,' proclaimed Richard Cameron,[1] and, although not quite in his own sense, the statement was still applicable in 1685.

During this spring Lauderdale attempted to reduce the composition he owed to the fallen Aberdeen, by representing that the Decreet of the Mint had been unfairly awarded by that judge in expectation of getting the fine himself. Clavers was called as a witness, but rather took on himself the responsibility of having selected the Mint Decreet as a fund out of which Aberdeen's services could be rewarded; and he refused to repeat conversations that had passed between himself and the late King (possibly in disparagement of Aberdeen when Dudhope was 'transacted'), so that he betrayed nothing against his former ally.

[1] Sermon 29, in a *Collection of Lectures and Sermons*, by John Howie of Loch-goin, 1779; reprinted 1809.

CHAPTER XVII

1685

Argyle's invasion—Newmills Rescue—Severities—Profanity—Re-admission to the Privy Council—End of the Rebellion

TOWARDS the end of April 1685, it became evident that invasion by Monmouth and Argyle would not be much longer delayed. Fountainhall at first reckons the militia and heritors of the whole kingdom of Scotland summoned to meet the emergency at sixty thousand, and says that some imagined an intention to overawe the English Parliament then about to sit. When Argyle and Sir John Cochrane effected their landing and proved the reality of danger in Scotland, he admits that this large force was merely nominal. 'The brunt of the battle,' he owns, 'must lie on the Highlanders and the standing forces, and they being few, not three thousand men, and dispersed, cannot be in all places nor well spared from the posts they are in, which if they were evacuated, the discontented people there might rise in arms upon their back.' It may be believed that Clavers could not be dispensed with longer. It was proposed to establish a camp at Selkirk under him, to prevent insurrection on the border; while Stirling and Glasgow should form similar centres. Lord Dunbarton was ap-

pointed Commander-in-Chief over the heads of both Douglas and Clavers. Although he was brother to the Duke of Hamilton, the new general told Moray, before leaving England, that he heard from Lundin, Moray's co-secretary, that 'what Claverhouse had said in Council was not so much as was made a noise of, and he thought he would be able to justify himself.'

Ere May had begun, Clavers was again in active employment, though merely as a military officer. The immediate occasion is mentioned by Fountainhall about April 23.

'John Inglis, captain of a troop of dragoons lying in garrisons at Newmills in the west, a house belonging to the Earl of Loudon, having taken some of these fanatics prisoners, and though he had power to execute them yet keeping them alive, some of their desperate comrades breaks in upon the garrison and rescues them to their great shame; for which Inglis was degraded and his place given to Mr. George Winrahame, a bigot Papist.'

Scouring the moors in that district, a week after, on May 1, Clavers seized two fugitives, to whom he proposed the Abjuration. The elder, John Brown of Priesthill, refused it unhesitatingly. He denied having any arms, and his house was searched ere he was sentenced. Bullets and match were found, and after a few minutes allowed for prayer and for leave-taking with his family, during which it may be believed on covenanting authority that he uttered words of high-wrought enthusiasm which Clavers at length checked as preaching rather than praying, he was shot dead by a volley from six carbines. A cry from the agonised widow: 'How

[1] *Hist. Obs.* 160.

will ye make answer for this ?' was replied to, the same authorities, Wodrow and Walker, declare, by an expression of senseless bravado, the sole foundation for Lord Macaulay's well-known adjective 'profane' affixed to Clavers's name. That he was legally justified in acting as he had done, indeed that he had no choice, deprived as he was of civil powers, to act otherwise under existing law, is indisputable. That he felt himself justified in conscience by the necessity in that imminent crisis of preventing general revolt by striking terror wheresoever successful hostilities against the Government were initiated as at Newmills, is as nearly certain as the inward state of any man's soul can be to earthly judgment. That he might, agitated by the painful scene as Wodrow admits him to be, utter his conviction that he could answer the deed both in law and conscience, is perfectly possible, and a trifling slip of memory might alter his words into a provincial phrase of presumptuous confidence; but there is grave reason for mistrusting both Wodrow and Walker. Not only does Walker contradict by his expression, 'most part of the bullets came upon his head,' Wodrow's dramatic story that the soldiers refused to fire, and Clavers 'in a fury' shot Brown with his own hand (a matter perfectly irrelevant to the commander's character, since it would have been his duty to carry out a righteous doom, had his men really refused from whatever scruple); but both writers omit one-half the story, which either they never knew and therefore could have been very imperfectly informed, or which they wilfully suppressed, because it revealed weakness in one of their party. On either hypothesis the accuracy relied on for veracious dialogue disappears.

The second capture, nephew to the first, as Clavers

himself reported to Queensberry, a young man 'John Brounen,' agreed to take the Abjuration, but would not swear he was not at the attack on Newmills. To terrify him into confession, carbines were pointed at him, and he was threatened (according to a practice of questioning by terror instead of torture, which Wodrow elsewhere attributes to Clavers)[1] with a death which could not in reality be summarily inflicted on him. This incident, related in his own report, argues worse in one sense for Clavers than does his legal slaughter of the uncle; for had John Brounen fully comprehended his condition he could have insisted on taking the Abjuration and made no confession at all. He would have thus secured himself against martial law, though he would still have been passed on to headquarters as a suspected person, and perhaps convicted for deeds already done.[2] On a promise to 'delay putting him to death and plead for him' if he gave information of value, the youth succumbed, owned himself one of the rescuers at Newmills, and named most part of his companions, about sixty in number. In the meantime the soldiers found out a cavern near Brown's house containing weapons. Further confessions by the nephew showed that here was one of those nuclei of insurrection which, if not in concert with Argyle (for no two

[1] *Hist.* iv. 256, where it may be opined that Wodrow had John Brounen's confession in his thoughts.

[2] 'A man named Browning from Lanfine, with others who had been with him at Airdsmoss, got large sledge hammers from the old smithy, still in existence, with which they broke open the prison doors.' (Old Tower at Newmills, described in *New Statistical Account*, v. 238, quoted by Mr. Napier, i. 142.) That the leader of the rescue should be thus named by tradition is remarkable, since John Brown's nephew was entirely unknown till Mr. Napier published Colonel Grahame's report.

sections of these wild sectaries were capable of agreement), at least simultaneously with his invasion were preparing for action. 'I have acquitted myself when I have told your Grace the case,' wrote Clavers, his promise to the prisoner necessitating the first letter, apparently, that passed from him to the Prime Minister after their quarrel. 'I doubt not good use might be made of his confession if we had time to stay,' was perhaps the best argument that could be urged in favour of mercy; for pleading as from himself would have been prejudicial rather than advantageous. Queensberry had, however, no time to intervene. Imprisoned with enthusiasts more obstinate than himself, Brounen in all probability retracted his submission, for it is nearly certain that he was included on May 5 in an indictment for 'owning and approving rising in arms,' in other words, for refusing the Abjuration, and hanged by General Drummond the Justiciary to whom Clavers perforce consigned him.[1]

Wodrow describes, most likely with no great exaggeration, ensuing marches southward, imposition everywhere of the Abjuration, seizure of cattle belonging to disaffected persons, and wide-spreading dismay wherever the terrible and almost ubiquitous commander was expected to appear. Two more lives are particularised by covenanting authorities as sacrificed by Clavers. In default of counter-evidence these two military executions must be admitted for facts. It is characteristic of the differing degrees of candour with which an unpopular man is depreciated or defended that while Clavers's early rescue of the Prince of Orange has been constantly treated as apocryphal or doubtful, there has been no hesitation

[1] See Chapter XVIII.

in admitting that he put to death a youth named Andrew Hyslop in Eskdale. The first incident rests on a manuscript written about 1691 by an intimate of Dundee himself; on a memoir printed in 1714 when the manuscript was practically unknown, and on the word of Balhaldy, about 1730, who knew of the manuscript, but adds circumstances from some independent source. The second is established by a few lines in Shield's List of 1690, and by Wodrow, who, while clearly referring to that list, adds slightly differing particulars from his 'Informations' of date about 1720. It is difficult to see in what sense the former is less credible than the latter.

Matthew Mekellwrath, in the List, and according to an epitaph in the 'Cloud,' 'fell' in some way by order of Clavers at Colmonel in Ayrshire. Defoe, writing about 1715, added some details.

These three military executions are all that can be proved against Clavers in the whole of his career. With scattered regular forces too few for their work, and dreading rather than confiding in the local militia raised to supplement them, his task was to prevent at all hazards an insurrection on which Argyle and Cochrane calculated for the distraction of King James's armies while Monmouth should establish himself in England. Only by paralysing terror could he effectuate this, and he effectuated it, so far as he was personally concerned, at a cost of three human lives. Dalrymple's 'Memoirs of Great Britain' were written so long afterwards that sundry apophthegms therein attributed to Dundee can be considered merely as traditionary; yet, whether he pronounced it or not, he indubitably acted in 1685 on a maxim that 'if terror ended or prevented war it was true mercy.'

In reference to the earlier months of this year, 1685, occurs the paragraph in Wodrow on which Lord Macaulay grounded his since controverted statement that Clavers's dragoons were used in their revels to play at the torments of hell. The burden of this accusation has been turned over on the Laird of Lagg, by appeal to Howie of Loch-goin. But Howie wrote many years after Wodrow; and, as in formerly specified instances, he merely copied from him with more definiteness of assertion. Wodrow's own phraseology shall be here reproduced, there existing no other original authority. He has related, in February 1685, the slaughter of Bell of Whiteside and some others in his company by Grierson of Lagg. 'A little after this barbarous murder the Viscount of Kenmuir, Claverhouse, and Lagg happened to meet at Kirkcudbright, where Kenmuir challenged Lagg for his cruelty to one whom he knew to be a gentleman and so nearly related to him; and particularly that he would not allow his dead body to be buried. Lagg answered with an oath: "Take him if you will, and salt him in your beef-barrel!" whereupon the Viscount drew, and would have run him through, if Claverhouse had not interposed and parted them. Dreadful were the acts of wickedness done by the soldiers at this time, and Lagg was as deep as any. They used to take to themselves in their cabals the names of devils and persons they supposed to be in hell, and with whips to lash one another as a jest upon hell. But I shall draw a veil over many of their dreadful impieties I met with in papers written at this time.'[1]

The Laird of Lagg, it may be observed, though

[1] Wodrow, iv. 242.

directly associated with 'acts of wickedness' done by the soldiers, is only by inference made partaker of such peculiar diversions as are selected for example. The militia he commanded were not at that period usually entitled 'soldiers;' so that Wodrow's remarks cannot be restricted to his especial followers. Colonel Grahame's appearance in the preceding passage in nowise associates him with its sequel; though it is quite supposable that some of his men may be alluded to in it. That his character, as depicted by Balhaldy, renders it unlikely that a reprehensible diversion should be shared in or sanctioned by himself, is no argument; since Wodrow does not even inferentially implicate him. Fountainhall records a dereliction from discipline which at no hand can he be imagined to have approved. '1687—Clavers's troop being at Haddington on October 14, and having the keys of the Tolbooth where they kept guard, and they in a frolic having caused the prisoner drink the King's health, in the disorder and confusion the rebel escaped.' These men were on guard, and therefore amenable to the lax discipline prevailing before the Revolution in regiments where nearly every private claimed rank as a gentleman by birth. No commander of the period could interfere with private revels or 'frolics' happening when off duty. Professor Aytoun remarked that British sailors have been known to enact the part of heathen gods, and demean themselves with about as much propriety. It should be remembered that Neptune and Apollo would be classed as devils in Puritan estimation, and that an Orestean trilogy performed by a few classically trained military gentlemen would fulfil all the requirements of Wodrow's story. Whips indeed, however appropriate to Furies,

are implements somewhat mild for mediæval or reformed conceptions of Tartarean torment. Another suggestion may be ventured. The King was crowned on April 23, and in celebrating the event convivially some excitable spirits might dramatise the coronation Ode, thus graphically described by Fountainhall:—

'Elcana Settle, once the Whigs' poet, now fallen off, made a heroic poem, where he brings in Shaftesbury, Essex, and Russel (whom he calls G. Burnet's reforming pupil) gnashing their teeth and shaking their snakes in hell at the news of the Duke of York's coronation.'[1]

On May 11 King James issued his order for the readmission of Clavers into the Privy Council. It was not till July 16 that he could be spared from his duties on the Border to take the Oaths at Edinburgh. Meanwhile his advice was sought by letter as to the measures against Argyle, and his promotion to the rank of Brigadier declared to him. James had intended to assuage the rivalry between Colonels Grahame and Douglas by signing commissions for both on the same day; but, as by this means the cavalry officer would take precedence, Queensberry's faction succeeded after considerable debate in getting Douglas's antedated by two days. Early in June some fresh offence was taken by the Prime Minister at Grahame's dealing summarily with a disorder on his own domain of Sanquhar, and procured orders from Dunbarton to check his interference. Clavers, who had immediately sent off an account of the circumstance to Queensberry, wrote again in a strain dignified and cold, but by no means confirming the reports of 'insolence' which had been

[1] *Observes*, p. 159.

earlier carried to Whitehall; although there is a gleam of volcanic fire under studied calm.

'After you have read what I wrote to you two days ago I dare say I may refer myself to your own censure. . . . I used these men I met accidentally on the road better than ever I used any in these circumstances, and I may safely say, as I shall answer to God, if they had been living on my own ground I could not have forborne drawing my sword and knocking them down. However, I am glad I have my Lord Dunbarton's orders anent your Grace's tenants which I shall most punctually obey, though I may say they were as safe as any in Scotland before.'

Fountainhall observes that certain rebels had harboured unknown to Queensberry upon his grounds. This is, save one, the last letter that has been discovered between Clavers and his former patron. The last is a report of the manner in which forfeited sheep and cattle seized from rebels had been applied to maintain the army. It is dated 'Thorleshope, July 3.' On the 16th General Grahame resumed his seat as a Privy Councillor, Argyle and Monmouth having both perished, and Sir John Cochrane being a prisoner. A gallant fight made by the last-named leader at Muirdykes had alone dignified the attempt at insurrection in Scotland. Some of Clavers's troopers were beaten back on that occasion, but he was not himself present. Lord Ross led the attack on his uncle and was hit in the neck. Captain Cleland and twelve or more men were killed. Sir John's followers, though victorious, could obtain no assistance from the overawed peasantry, and dispersed in flight. His sentence had been passed in absence for complicity in the Rye House Plot, but execution

was delayed, and he was eventually spared. Rumbold, the owner of the Rye House, was taken in Scotland and hanged at Edinburgh as a traitor. So much had Clavers been kept in the background throughout Argyle's invasion that Fountainhall, or his annotator, remarks: 'No word of Claverhouse all this time,' and conceives him to have been engaged against Monmouth in England.

Some small disturbances arose from time to time, though the mainspring of rebellion in the West was broken by relentless pressure of the Abjuration in the spring, and the weeding out of bolder spirits thereby. A large majority of the resolute refusers had been imprisoned, and of these a few were hanged, the rest were deported to the plantations, most of the men losing a piece of an ear, and the women being branded, for identification in case of return. In October, Clavers and Balcarras were appointed by the Council to examine on oath one Hugh M'Kinasters who gave information of rebels 'accessory to the attack on the Castle of Stranraer.'[1] This must have been a hitherto unnoticed incident earlier in the year, for in the same month the Council declared to the King that 'albeit several of the irreclaimable rebels be still skulking in the mountains, yet at present there is a greater quiet in the Western shires than has been in them these many years by past.'

In August 1685, old General Dalyell died suddenly and was buried with high honours. Drummond, soon after created Viscount Strathallan, replaced him. A muster-roll of Clavers's officers that year is printed by Mr. Napier. Every one of his six captains was a

[1] Wodrow, iv. 223.

nobleman, three being Earls. Two Baronets, Sir Charles Cass and Sir Adam Blair, were cornets. His brother David ranked as quarter-master only to his leading troop. Robert Grahame of Morphie, son to his sister Margaret, was his aide-de-camp.

Ere the year closed, he was welcomed again at Whitehall. His version of the quarrel with Queensberry was listened to at last, with one result already mentioned; and thenceforward the imperious treasurer's preponderance gradually diminished.

CHAPTER XVIII

1682–1685

Severities investigated

Some apology should be offered for minutely detailing in this chapter several incidents mentioned in the last. If generalities could suffice, this book need never have been compiled. All modern accusers of Clavers have persistently brought forward what they call 'a few instances' of his cruelty; leaving it to be inferred that many more must reward further research; and the reader, not ordinarily caring to undertake research, imagines superlative atrocity. His advocates have contented themselves with examining those leading instances, denying one or two, and attenuating or admitting others as the case may be; thus leaving untouched a natural inference that of a supposed mass of evidence in the background considerable portions at least are inexpugnable. No single definable charge ought to pass unexamined; no vague exaggeration be left unreduced to its primary elements; in a word, no dim residuum should be left behind the provable facts or reasonably explicable possibilities in the life of a celebrity who has evoked controversial interest far beyond his historical importance.

The language used by impassioned partisans has never yet been translated into the meaning it ought to convey to minds uninfluenced by their feelings. Murder to an ordinary judgment bears the sense of killing unauthorised by proclaimed laws or by custom of war. In the phraseology of public documents, soldiers slain at Enterkin rescue were murdered no less than the Curate of Carsphairn; and in that of covenanting sympathisers, Hackston of Rathillet was murdered no less than Brown of Priesthill. Atheism often signified no more than disbelief in a few received superstitions; and blasphemy was discovered in the published essays of Sir George Mackenzie. Such terms must be understood as they were employed.

Accepting, therefore, the phraseology of Clavers's accusers, it is necessary to bring together all charges of murder in which the victims are so specified as to be capable of identification. If any are here omitted it is from ignorance, not by wilful suppression.

Lord Macaulay gives as instances of 'the crimes of this man and men like him'—first, John Brown of Priesthill; second, John Bryce and Peter Gillies hanged at Mauchline. Clavers is not named in the text, but he is in the index as the 'murderer' on the latter occasion. Third, three countrymen shot near Glasgow. Fourth, Andrew Hyslop, arrested by Westerhall, shot by Clavers. Fifth, Margaret Wilson and Margaret MacLachlan, drowned in the Solway. He adds that he has taken all these from the records of a single fortnight; leaving it to be interred that other fortnights might afford similarly ensanguined catalogues.

De Foe, in his 'History of the Sufferings of the Church of Scotland,' 1717, tells us that Clavers had

'murdered above a hundred of the persecuted people, several with his own hand.' He particularises first, Graham of Galloway; next, five men, nameless, hanged at Mauchline; then four, namely John Grier, Robert Fergusson, Archibald Stuart, and Robert Stuart,—then 'Matthew Mekellwrat' at 'Camonel,' and lastly, Robert Auchinleck.

Wodrow, besides John Brown and Andrew Hyslop, ascribes one more victim to Clavers by giving De Foe's third case thus: that he surprised six men at Auchencloy; 'for what I can find they had no arms; he shot four of them on the spot in a very few minutes, Robert Fergusson and James M'Michan, Robert Stuart and John Grier.' Other two, Robert Smith and John Hunter, he tried and hanged at Kirkcudbright. He adds: 'There were two more in company that escaped;' but omits any mention of Archibald Stuart.

The Rev. R. Simpson, minister of Sanquhar, in his 'Traditions of the Covenanters,' after relating the deaths at Auchencloy, elsewhere mentions 'Robert Stewart killed with three companions,' and 'son to Major Stewart of Airdoch,' as though this were a separate military execution by Clavers.

The 'Pictorial History of Scotland' records, in addition, a nameless martyr whom Clavers brought captive to his own house in order to put him to death in presence of his wife and family.

Black's Guide to Moffat-dale relates that Clavers, on an occasion not specified, 'shot four Covenanters at Birkhill.' No authority traditional or otherwise is cited.

Some or other of these cases are to be found in almost every record of the persecution, many have been

printed repeatedly. When combined, they apparently enumerate thirty-three victims. They shall be examined one by one, in order of date.

De Foe particularises first, 'one of his own name, viz., Graham of Galloway, who fled from him out of a house where the said Clavers had pursued and beset him. The young man being forced to quit the house and run to save his life, Clavers rid after him, and overtook him, and though the young man offered to surrender, and begged him to save his life, he shot him dead with his pistol.'

The 'Cloud of Witnesses' contains a list dated 1690 of those 'killed without process of law.' It is headed with the instance in question: 'John Graham of Claverhouse, Viscount of Dundee, in the year 1682, with a party of his troops pursued William Graham in the parish of ——' (blank in the original) 'in Galloway making his escape from his mother's house, and overtaking him, instantly shot him dead.'[1] At the end of the 'Cloud of Witnesses' it is stated that there is an Epitaph upon 'the corps of William Graham who was shot while making his escape from his mother's house by a party of Claverhouse's troop. Anno 1682.'[2]

Three witnesses nearly contemporary with the event unite in showing that William Graham was shot while endeavouring to escape. This, in absence of contradiction, may be received as true.

Three slight differences are perceptible in these testimonies. The notice of the Epitaph says—'shot *by a party* of Claverhouse's troop:' the List of 1690 says—'Claverhouse, *with* a party of his troop'—shot him dead. But this more definite assertion of personal presence

[1] *Cloud*, p. 368. [2] *Cloud*, p. 385.

comes from a writer who was not sure in what parish the event took place. De Foe, writing several years later, says Clavers shot the man with his own hand.

It is certain that in 1682 military executions were not yet legalised; therefore, if Clavers really shot a man who offered to surrender, he committed murder according to then existing laws. What can be urged for his defence?

That on December 14 of the same year, 1682, Clavers was accused by Sir John Dalrymple of various oppressions committed in Galloway. The trial lasted through two or three months of 1683. Fountainhall was Sir John's advocate in the case, and his notices and remarks upon it are full and clear. There is no hint that any life had been sacrificed—no charge of cruelty whatever, only of free quartering, excessive fining and the like. If Clavers, in that very year, and in that very district had murdered a man, or commanded his murder, instead of arresting him, how comes it that Sir John, appealing against his severities, omitted all allusion to an instance far exceeding anything of which complaint was actually made? The inference is necessarily that William Graham's death, if not due to unmistakable accident, was accounted for, either by his active resistance, or in some other way which prevented any accusation from being, at the time, founded upon it.

The second charge runs as follows:—

De Foe says, 'Four more men were betrayed to him' (Clavers) 'being hid in a house at the Water of Dee, and were, at the time his men came, praying together; he caused them to be dragged just to the door, and shot them dead as they came out, without any inquiry whether they were the persons he came to

apprehend.' The names of these four were John Grier, Robert Fergusson, Archibald Stuart, and Robert Stuart.

The List of 1690 says: 'The said Claverhouse coming into Galloway in answer to the Viscount of Kenmure's letter, with a small party, surprised Robert Stuart, John Grier, Robert Fergusson, and James *M'Michael*, and instantly shot them dead at the Water of Dee, in Galloway, December 1683' (date a misprint). 'Their corps, being buried, were at his command raised again.'[1]

The 'Cloud' introduces the Epitaph on Robert Stewart 'son to Major Stewart of Ardoch,' and John Grierson, 'who were murdered by Graham of Claverhouse, at the Water of Dee in Galloway. Anno 1684.'

> Behold! behold! a stone's here forced to cry,
> Come see two martyrs under me that ly,
> At Water of Dee, who slain were by the hand
> Of cruel Claverhouse and 's bloody band.
> No sooner had he done this horrid thing
> Than forced to say 'Stewart's soul in heaven doth sing.'
> Yet strange, his rage pursued even such when dead
> And in the tombs of their ancestors laid
> Causing their corps be raised out of the same
> Discharging in churchyard to bury them, &c.[2]

At p. 384, the 'Cloud' mentions separately that there is an epitaph in 'the muir of Auchencloy upon the body of Robert Fergusson, shot by Graham of Claverhouse in that place, 1684.'

The Rev. Mr. Simpson's Robert Stewart, son to Major Stewart of Airdoch, killed with three companions at Water of Dee, must be the same Robert Stewart killed with James M'Michael at Auchencloy, as elsewhere vividly described by Mr. Simpson, for 'Claverhouse after he had shot him was forced to exclaim,

[1] P. 369. [2] P. 383.

"Stewart's soul now sings in heaven!"'[1] Wodrow[2] says that 'December 18, 1684, Claverhouse came to the Water of Dee,' and, at Auchencloy, surprised six men together; 'for what I can find they had no arms. He shot four of them on the spot in a very few minutes, Robert Fergusson and James M'Michan, Robert Stuart, and John Grier.'—'James MacMichan's body, after it was buried, was taken up and hung up upon a tree. This was strange barbarity and spite. The other two, Robert Smith, in Glencairn parish, and Robert Hunter, Claverhouse carried with him to Kirkcudbright and called an assize, and made a form of judging them, and caused execute them there.'—'There were two more in the company who escaped, and happy it was for them it was so, for probably they would have gone the same way.'—'It may be the rescue of some prisoners at Kirkcudbright by some of the wanderers a little before this was the pretext for all this cruelty.'

The 'Cloud of Witnesses' contains an epitaph on '*William* Hunter and Robert Smith who were sentenced and hanged at Kirkcudbright, Anno 1684, by Captain Douglas, Graham of Claverhouse, and Captain Bruce.' Wodrow's alteration of Hunter's christian name was perhaps accidental.

For the defence comes first—

Fountainhall, Decisions, vol. i. date December 21, 1684. 'Letters came from Colonel Grahame of Claverhouse, then in Galloway, that he had met with a party of these rogues who had skulked (if their retiring holes could be got they are so cowardly they may be easily routed); he had followed them, killed five, and taken three prisoners, some of which were of the

[1] *Traditions*, p. 395. [2] Vol. iv. p. 177.

murderers of the minister of Carsphairn, and that he was to judge and execute the three prisoners by his justiciary power.'

The old 'Memoir of Dundee' has this passage: 'About six miles from Kirkcudbright, Clavers with some horse and dragoons attacked that party of rebels that murdered the minister, chased them into a bog, killed seven or eight of them, and took some prisoners, who told him the murderer of the minister lay dead on the spot.'

The Memoir-writer evidently exaggerated the number killed. Fountainhall who had just heard Colonel Grahame's letter says 'five;' and five names may be gathered from the various accounts; De Foe giving Archibald Stuart while he omits James M'Michan or M'Michael.

Wodrow was in possession of a letter informing him that 'James M'Michael, formerly fowler to the Laird of Maxwelton,' who shot the curate, was 'killed by the King's forces before the next year.'

The Curate of Carsphairn was assassinated on December 11, by a party whose leader's name Wodrow spells 'James M'Michael.'[1]

The 'Memoir of Dundee' says that the Whigs who murdered the 'Minister of Carsphairn, coming afterwards to Kirkcudbright killed a poor man there who was one of the sentries on the Tolbooth, only for challenging them: "Who comes there?"'

On December 18, Sir Robert Dalziel of Glencœ, a local magistrate, wrote to the Prime Minister from Dumfries: 'The rebels have broke into Portract Isle and other places, and on Tuesday morning last invaded the town of Kirkcudbright to the number of one hun-

[1] Wodrow, iv. 197.

dred and eight, broke open the prisons and carried away such prisoners as would go with them, with the town drum and such arms as they could seize on.'

Putting together these pieces of evidence, we find that 'a party,' including James M'Michael, killed a curate on December 11, 1684; that on December 18, 'a party,' numbering a hundred and eight, rescued prisoners by force of arms at Kirkcudbright; that on December 21, Clavers reported having attacked and killed some rebels near Kirkcudbright, among whom were 'murderers of the minister;' that Wodrow associates this slaughter with the Kirkcudbright rescue.

It is fair, therefore, to infer that Clavers pursued and routed the armed band that attacked Kirkcudbright; that he killed five men in skirmish, and took three prisoners; that he hanged two of these prisoners for their share either in the attack, or in the previous murder; that he hung up the corpse of the principal murderer because murderers were customarily so hung in chains at that period.

Fountainhall's expression indicates a combat rather than a cold-blooded execution; if the 'rogues' had not shown fight they could not have been 'routed;' nor could the exploit at Kirkcudbright have been achieved without arms.

A 'Tradition' concerning James M'Michael, by the Rev. R. Simpson of Sanquhar, describes the affair as a very sharp skirmish, and the Covenanters as anything but cowardly. Also the slaughter by 'the Black M'Michael,' a little before that date, of two suspected informers, a man named Muncie, and one Roan, tenant at Stroanpatrick.[1]

[1] *Traditions*, pp. 45–50 and 105.

The third case is worded thus by De Foe, who says of Colonels Grahame and Douglas: 'At their first coming down they found five men in several prisons who had been committed by other persecutors before their coming. It seems somebody had maliciously told this Graham they were of the Whiggs who used the Field Meetings, upon which without any oath made of the fact or any examination of the men, without any Triai or other Sentence than his own command, his Soldiers fetched them all to Mauchline, a village where his Head Quarters were, and hanged them immediately, not suffering them to enter into any House at their coming, nor at the Entreaty of the poor Men would suffer one to lend them a Bible, who it seems offered it, nor allow them a moment to pray to God.'

The List of 1690 has this passage: 'The said Claverhouse, together with the Earl of Dumbarton and Lieutenant-General Douglas, caused Peter Gillies, John Bryce, Thomas Young (who was taken by the Laird of Lee), William Fiddisone and John *Buiening* to be put to death upon a gibbet, without legal trial or sentence, suffering them neither to have a Bible, nor to pray before they died, at Mauchline 1684' (date an evident misprint).[1]

Among the Epitaphs occurs one 'upon the stone at Machline lying on the bodies of Peter Gillies, John Bryce, Thomas Young, William Fiddison, and John Bruning, who were apprehended and hanged up there without trial. Anno 1685.

> Bloody Dumbarton, Douglas and Dundee,
> Moved by the devil, and the Laird of Lee,

[1] *Cloud*, p. 368.

Dragged these five men to death with gun and sword,
Not suffering them to pray, nor read God's word.
Owning the work of God was all their crime,
The eighty-five was a saint-killing time.' [1]

Patrick Walker, in his 'Biographia Presbyteriana,' 1732, says that Highlanders apprehended the first four in different parishes, carried them to 'Machlon, and apprehended one John *Binning* waiting upon cattle without Stocking or Shoe, and took their Bibles from them and would suffer none either to sell them or lend them Bibles (the first four were my very dear acquaintances), and hanged them all up upon one gibbet without suffering them to pray at their death.' He then recites the Epitaph above quoted.

Three of these witnesses implicate Clavers—De Foe charging him with the sole responsibility—and state distinctly that there was no legal trial. All four agree in subordinate details.

For the defence, Wodrow, at p. 246 of his fourth volume, inserts the formal indictment of Peter Gillies, John Bryce, and 'some others' whose names are left blank, for disavowing the King's authority, 'owning and approving rising in arms against the King, &c.' They are summoned to appear, not before any of the three officers already named, but 'before Lieutenant-General Drummond, Commissioner of justiciary, within the Tolbooth or court-place of Mauchlin this 5th day of May.' From this it appears that the men were tried; and that before an officer ignored by the previous witnesses. So far as is known it is within limit of possibility that Clavers was present at Mauchline on May 5, 1685. He wrote from Galston, not far distant, on May 3. But it

[1] *Cloud*, p. 385.

happens that he wrote about one of those very martyrs, and in terms which negative any idea of his expecting to be concerned in his trial. The name of the last victim is spelt in the 'Cloud' John Bruning, and Clavers concludes his letter to the Prime Minister respecting reprieve for 'John Brounen' in these terms: 'If your Grace thinks he deserves no mercy, justice will pass on him, for I, having no commission of justiciary, have delivered him up to the Lieutenant-General' (Drummond) 'to be disposed of as he pleases.'[1]

Either, then, the chief officers of a scattered and fully occupied army, with the Laird of Lee, were all suddenly—and to Clavers at least, unexpectedly—called to Mauchline to relieve General Drummond of sole responsibility in these men's trial; or else these individuals being arrested in different places by Dumbarton, Douglas, Clavers, and the Laird of Lee, the Epitaph correctly declares them to have been 'dragged to death' by those officials; and all other accounts, except Wodrow's, are founded on misapprehension of the Epitaph. John Brounen's arrest by Clavers, and the parenthetical notice in the 'Cloud,' that Thomas Young 'was taken by the Laird of Lee,' suggest this latter explanation, and no other will account for such absolute silence regarding Drummond, who even if the others were present must have eclipsed them all to any eye-witness. However near the time these records were penned, it is clear that they were penned by persons unaware that Drummond was the principal judge, therefore by persons indirectly and imperfectly acquainted with the affair. Even the List of 1690 attributes the condemnation to the parties named in the Epitaph, and careful

[1] Napier, p. 143.

comparison of details about Bibles, &c., points to its doggerel lines as the common source of information. It is quite conceivable that rebels may have been forbidden to pray aloud or read out Scripture threatenings at the scene of their public execution, and this is all the verses signify. It is quite unlikely that they were denied the use of a Bible during imprisonment.

Clavers's share in this matter, so far as ascertained, is therefore the arrest of one man, John Brounen.

John Brown, of Priesthill, is intimately associated through the medium of his nephew with the Newmills rescue and the Mauchline execution which followed it. That his death was not ordered for nonconformity alone, as stated by Wodrow and Lord Macaulay and maintained in a note to the 'Pictorial History,' is conclusively shown by the commencement of Colonel Grahame's report, two days after the affair, to the Prime Minister.

Galston, May 3, 1685.

May it please your Grace,—On Friday last among the hills betwixt Douglas and the Ploughlands we pursued two fellows a great way through the mosses, and in end seized them. They had no arms about them, and denied they had any. But being asked if they would take the Abjuration, the eldest of the two, called John Brown, refused it. Nor would he swear not to rise in arms against the King, but said he knew no King. Upon which and there being found bullets and match in his house, and treasonable papers, I caused shoot him dead.

It would hence appear that Clavers shot Brown for refusing the Abjuration Oath, knowing nothing else against him save his possession of bullets and match. That evidence was obtained a few minutes later of his

being an armed ringleader does not therefore extenuate the deed. It merely justifies, in this particular instance, a general supposition that when the Abjuration was refused it was refused by those who knew themselves otherwise guilty. To take the Oath could not preclude prosecution for offences already committed. The pathetic details which so much enhance the horror of this execution require looking into. Wodrow relates that Brown 'took much pains upon the instructing of several youths.' The 'Pictorial History' repeats this with picturesque additions. Clavers in his report goes on to say that the soldiers searched and found out a house in the hill underground that could hold a dozen men; there were swords and pistols in it, and 'John Brounen' confessed that these belonged to his uncle who had lurked there since Bothwell where he was in arms. He also gave account of a conventicle kept by Renwick where there were thirteen score of men in arms mustered and exercised, of whom himself was one. This renders the kind of instruction something more than questionable.

John Brounen admitted his own presence at the attack on Newmills, whence he had returned direct to his uncle's house. John Brown, of Priesthill, appears by his designation to have been a small proprietor. Had he stood his trial in civil form for accession to the Newmills rescue, he would most likely have been hanged and his small property confiscated. He preserved the latter to his family by choosing military execution.

Wodrow does not 'find they were at much trouble with him in interrogatories, nor that the Abjuration was offered.' This is decided by the report. Wodrow says that the soldiers refused to fire, being affected by

Brown's gift of prayer. Lord Macaulay, on his own sole authority, attributes their refusal to the wife's condition incidentally mentioned by Wodrow. Patrick Walker says: 'most part of the bullets came upon his head;' giving no hint of refusal to fire. The 'Pictorial History' suggests that the wife's agitation prevented her seeing that Clavers alone fired the fatal shot. If so, who did see? If the child saw, it would have corrected its mother's mistake as well as informed Wodrow's authorities. Neither Wodrow nor Walker seems to have been aware of the nephew's presence, or of his connection with John Brown, Walker mentioning his arrest quite independently in a different publication. Clavers writes briefly: 'I *caused* shoot him dead.' Walker says that the wife had Brown's child by his first wife at her side, and her own infant in her arms, without alluding to her situation. Wodrow mentions her situation and one young infant with her. The 'Pictorial History' puts both accounts together. Walker in one edition names her 'Marion,' in another 'Isabel;' and in like manner changes the appellation of the first neighbour who came to comfort her. What is still more remarkable is that this neighbour under each title is mother to David Steel of whose death many similar particulars are related,[1] *i.e.* refusal of soldiers to fire when ordered by their commander 'Crichton,' the presence of the wife with her first and only child in her arms, her gathering the fragments of his shattered head when shot at length by some Highlanders, exactly as Walker relates of Brown's widow. While Creighton in his Memoirs gives an account of

[1] M'Gavin's Appendix to *Scots Worthies*, p. 567.

Steel's death in a struggle with soldiers sent to take him totally irreconcilable with any such incidents.

The 'wanderer' whom, in the 'Pictorial History,' Clavers 'with diabolical cruelty brought back to his family and put to death in presence of his wife,' is John Brown, of Priesthill, twice slain in one chapter through careless copying from C. J. Fox, or Laing, who both recounted, minus names, Wodrow's history of John Brown. Colonel Grahame's report shows that he was taken home in order to test by search his denial that he possessed arms.

John Bryce and Peter Gillies, whose deaths are attributed to Clavers by the index to Lord Macaulay's History, although they are mentioned, as in Wodrow's pages, without associates, have been treated of among the five martyrs of Mauchline. That 'John Brounen's' confession concerning the Newmills rescue, when sent in to the Chief Justiciary Drummond, by Clavers, led actually to the arrest of all five, is very possible, and may have originated assertions that Clavers primarily caused their deaths.

'Three countrymen' shot near Glasgow, in the pages of Macaulay, are nowhere else reckoned to Clavers. Wodrow, Macaulay's authority, names Major Balfour as the officer concerned, May 11, 1685; on which day Clavers was engaged in Annandale with Andrew Hyslop.

Andrew Hyslop, Lord Macaulay tells us, was arrested by Westerhall and dragged before Clavers, 'just then strangely lenient,' being impressed by his recent murder of John Brown, but from whom Westerhall 'extorted a sullen consent.' In the 'Cloud,' Hyslop is similarly described as shot by order of Clavers, urged on by

Westerhall, without which urgency he 'would have delayed it.' Wodrow says that Westerhall 'as one empowered by the Council' passed sentence, and that Clavers 'pressed the delay of the execution, but Westerhall urged till the other yielded, saying "The blood of this poor man be on you, Westerhall; I am free of it,"' an expression more curtly recorded in the 'Cloud:' 'This man's blood shall be upon Westerhall.'

The question to be decided is this: Would Hyslop have been spared if Clavers had not yielded? Because, if so, no verbal disclaimer can set him free of Hyslop's blood.

As before remarked, Clavers wrote on May 3, respecting reprieve for John Brounen: 'If your Grace thinks he deserves no mercy, justice will pass on him, for I, having no commission of justiciary, have delivered him up to the Lieutenant-General.' Consequently, he had no power to grant reprieve, and Westerhall refusing to grant one at his request he yielded not 'sullen consent' but unavoidable submission.

Wodrow's account, grounded upon the 'Cloud,' is modified by an apparent desire to vilify Westerhall even more than Clavers. Westerhall was certainly 'empowered by the Council' not long before, both to condemn and to reprieve; but his commission along with the commissions of all magistrates of the district had been superseded together with Colonel Grahame's in favour of Drummond. Neither Westerhall nor Clavers had therefore, so far as can be ascertained, any power to reprieve formally. But under his military commission Clavers could propound the Abjuration Oath, and execute immediately upon refusal, as he had done in the case of John Brown. Wodrow tells elsewhere of a James Brown whom Clavers ordered to be

shot, apparently for no crime but possession of a powder-horn, and who was spared till next day at the intercession of a neighbouring Laird, and eventually escaped. From Wodrow's manuscripts it appears the man was sent to Selkirk prison, where 'the Magistrates many times urged him to take the test, which he refusing the Magistrates said he was a knave and must be put to death,' which shows that Clavers granted time for change of mind to one whom civil magistrates considered worthy of death.

This instance, together with long lists of men banished that year for persistently rejecting the Oath, indicates that the full penalty was enforced under special circumstances only. As regards Andrew Hyslop, no special circumstance is recorded in the 'Cloud,' save the discovery by Westerhall of a corpse. It was that of a persecuted Covenanter whom Hyslop's mother had harboured in his last moments. What clue to the confederacies of her son this seemingly pathetic incident may have afforded was little likely to be stated in the 'Cloud.' Had Clavers, who might at first see in Hyslop only a rustic deluded into treason by sedition-mongers, handed him as such to the Justiciary, eventual banishment would have awaited him. If however the youth should pass under Drummond's jurisdiction, adversely characterised by his Laird and natural patron, his fate would be as surely sealed as that of John Brounen. Still Clavers might have elected to shift the burden from his own conscience. But where the death-penalty for refusing to abjure treason was locally enforced it was enforced to strike terror among men ripe for revolt. In Eskdale and Annandale little had yet been effected to that end. It may well be contended against the hypothesis (which has been put forward) that Clavers

'like Pilate was willing to spare, but like Pilate preferred his own convenience,' *i.e.*, his own immunity from imputations of undue leniency, that he was influenced by representations of the prisoner's character, possible leadership among the youth of his district, and fitness in every way to furnish a needed example of severity. His self-exculpation may have amounted to a protest that except for information derived from Westerhall he would not have shed Hyslop's blood. The courage in reproaching his executioners which Wodrow attributes to the youth is likely enough to have evoked feelings similar to those Sir Walter Scott ascribed to Clavers in his judgment of Henry Morton; and it must be remembered that half a page of the 'Cloud of Witnesses' is really the whole of the testimony existing on the subject, except Wodrow's incidental mention of the victim's fearless, and therefore dangerous, temper.

It is worthy of note that here occurs a third instance of refusal to shoot a martyr, in a 'Highland gentleman and his followers,' to whom Clavers first passed the order for Hyslop's death, 'on which he ordered three of his own men to do it.' This reverses Steel's case, where Highlanders did what dragoons refused. If the incident occurred at all, Hyslop's death was the likeliest occasion. Highlanders might be excused a breach of discipline prompted perhaps less by sympathy than by their sense of a personal gentility disqualifying them for executioners.

Of Matthew Mekellwrath De Foe states 'At Camonel, in the county of Carrick, he' (Clavers) 'saw a man run hastily across the street before his troop, and, as he might suppose, did it to escape from or avoid them,

though as the People of the Place related it, the poor Man had no apprehensions of them, but as he took all occasions for his bloody designs he commanded his Men to shoot this Person without so much as examining him or asking who he was. The poor Man's name was Matthew Mekellwrat.'

The List of 1690 says: 'The said Claverhouse authorised his troop to kill Matthew Micklewrath without any examination in the parish of Colmonel. Anno 1685.'

The 'Cloud' gives this Epitaph:—

'In the parish of Colmonel
By bloody Claverhouse I fell.
Who did command that I should die
For owning covenanted Presbytery.
My blood a witness still doth stand
'Gainst all defections in this land.'

If not examined the man could not have 'owned' anything, unless he owned it by appearing in arms for it. The Epitaph therefore contradicts both De Foe and the list of 1690.

Robert Auchenleck's story runs as follows in the pages of De Foe. 'That murthering Persecutor, Graham of Claverhouse, seeing a Man riding by him on the way, called after him, and the Man not making answer nor stopping his Horse, Graham caused one of his soldiers to shoot him dead as he rode along, whereas upon inquiry into the matter it was found that the poor Man was Deaf and could not hear him call to him.'

The List of 1690 says: 'Captain Douglas finding one —— Auchenleck, a deaf man, for not making answer through defect of his hearing, instantly shot him dead off horseback near Carlinwork. Anno 1685.'

Wodrow relates[1] more circumstantially the killing of one William Auchenleck at Carlinwork in 1685 by 'a company of Douglas's foot, who called to him to stand.' Nothing is said of deafness, but that he suspected they might take his horse from him, and therefore 'rode a little off from them.'

The four nameless martyrs of Birkhill in Black's Guide are equally nameless in R. Chambers's 'Picture of Scotland,' published 1828, where, however, it is added that their tombstones in Ettrick churchyard had recently disappeared. It is not stated whether their execution was recorded on their tombstones or otherwise. In Hogg's fiction, the 'Brownie of Bodsbeck,' is introduced an execution of four men by Clavers. The present compiler has failed to trace them earlier. It may be remembered that Bewly Bog, several miles down the valley, was in 1679 the scene of a sanguinary skirmish. The Master of Ross actually commanded, but the old 'Memoir of Dundee' erroneously ascribed that small success to Clavers. If Ettrick men fell there and were carried home for burial, they might subsequently be accounted as slain by Clavers.

It is needless to discuss with Mr. Napier whether two women were ever executed by drowning in the Solway. Lord Macaulay has been understood to accuse Clavers of this; but his authorities do not charge Clavers with complicity in it.

In summing up the evidence here gathered together, indictments, letters and official documents strictly contemporaneous must outweigh all later testimonies. Shields's List of 1690 is next in proximity to the events recorded. Here an observation must be made. Shields

[1] Vol. iv. p. 184.

had himself taken the Abjuration Oath, therefore it cannot be supposed he intended to ignore it, although he never mentions it as offered or refused. His party denied the legality of the Government that imposed it. Therefore, in their language, examination by the Oath was 'no examination;' and trial by military commission was 'no legal trial.' He is not convicted of falsehood by the production of a formal indictment before Chief Justiciary Drummond where he has declared there was no legal trial. Neither does he in any instance—even at the Caldons where Captain Urquhart was killed—afford the slightest hint that armed resistance was offered by persons whom he represents as 'murdered in the fields.' His silence therefore by no means proves that each particular victim perished by cold-blooded execution.

Next in value must be ranged the traditions recorded by Wodrow, the traditions or memories of Patrick Walker, the traditions or memories of Creighton, and of Dundee's biographer in 1714. De Foe's traditions, though as early in date, are some stages further advanced in exaggeration, their details being continually contradicted by earlier accounts.

Out of thirty-three charges of murder, there are accordingly verified: the slaughter in fight of five armed rioters at Water of Dee, the hanging of two more at Kirkcudbright in December 1684, and the deliberate execution under the Abjuration Act of John Brown, of Priesthill. In default of any other evidence than is afforded by Shields and Wodrow, Andrew Hyslop's execution must be similarly admitted. Shields's List and the Epitaph leave Matthew Mekellwrath's death liable to be placed in the same category. An

earlier death, though Shields's testimony may prove its occurrence, is shown to have furnished no weapon to a watchful and active accuser of Clavers in that very locality. It results, therefore, that in a crisis of the utmost difficulty Clavers paralysed rebellion where his authority extended, at a cost, when every concession is allowed to vilifying testimony, of five lives deliberately taken—three of them by martial law, and two by more formal trial for cognisable offences.

It has been shown that his counsel weighted the scale of death against William Boig in 1683; but during his whole career no more than these five executions can with reasonable probability, on the evidence now presented, be attributed to Clavers's direct authority, martial or magisterial.

CHAPTER XIX

1686–1688

No Popery—Affairs at Dundee and law-suits—Minor disturbances in the West—Birth of a Prince—Domestic life

EARLY in the year 1686 there occurred a No-Popery riot in Edinburgh. Chancellor Perth and his brother Lundin, now Earl of Melfort, had announced their conversion at a moment when it was calculated to profit them at Court, and therefore to discredit their sincerity with shrewder judges than their monarch. Catholic ladies were insulted on more than one occasion, and an outbreak so serious took place in February that the town-guard and soldiery fired upon the mob. One or two persons were killed. Douglas's regiment was called out; and Fountainhall insinuates that he was blamed as negligent in order to give Clavers a chance of passing him in the race for promotion. Sir Robert Sibbald, an eminent naturalist and man of science, was physician to Perth's family; and although his affection for them had been the actual motive of his perversion to their new opinions, popular indignation, reversing cause and effect, turned on him as their misleader. For many hours his life was in imminent danger. The mob ransacked his lodging, vehemently shouting, in a cant phrase derived from Sharpe's

murder, that they would 'Rathillet' him. He concealed himself till Clavers, who seems not to have been present at the first part of the riot, convoyed him in General Drummond's coach to Holyrood. Salt fish in the ensuing Lent combined with popular obloquy to disgust the simple-minded and not very ardent disciple with his new faith, and he ere long retracted his conversion.

Collier remarks of Clavers that King James could not charm him from his form of religion, and that the more he found it opposed the more he loved it. Collier's informant, whom he calls 'a learned divine now living,' evidently imagined him a High Episcopalian, or, as some Scottish Cavaliers expressed themselves, 'Protestant Catholic'—*i.e.* Catholic Christian protesting against Popish error; for 'he often wished Scotland were so happy that where God is the services might be done in some visible instances of reverence such as are Order and Decency.' He gave way to royal wishes so far as penal laws were concerned. Loyal Protestants were better content that Papists should obtain relief by direct exercise of prerogative than by Act of Parliament, since a succeeding Protestant could easily undo what a Papist had thus temporarily established. Whether he believed toleration of moderate Presbyterianism equally innocuous is more than questionable. At least he could have ill relished the consequent advent to power of a man he profoundly mistrusted—Sir John Dalrymple of Stair—who negotiated with the body of the Presbyterians their conditional acceptance of a despotically granted liberty of conscience. Thereby Dalrymple replaced Sir George of Rosehaugh, who had resigned his Advocateship rather than concur in his King's imprudent measures.

Clavers acquiesced in them by signing the Privy Council's formal acceptance of toleration. The change was introduced gradually, and was not complete till 1688.

In the interim no letter of Clavers's has been discovered, nor are any known to the present compiler in which he is referred to by contemporaries, although Fountainhall's occasional notices show that he retained a prominent position. In 1686 he attained the grade of Major-General; Douglas still keeping in advance as Lieutenant-General.

On his entrance in 1684 upon the Constabulary of Dundee, the magistrates of that town, who had for many years striven hard to win the privileges of a Royal Burgh in despite of their hereditary Constables, lodged a formal protest against renewal to any successor of Lauderdale of certain supremacies decreed in that nobleman's favour a few years earlier. June 17, 1686, a charter existing in the handwriting of his friend, Colin Mackenzie, and signed by James II., confirmed to Clavers full precedence as First Magistrate. A facsimile has been printed in the volume of 'Charters and Burgh Records of Dundee,' issued in 1880. November 25, the same year 1686, King James took upon him to appoint the Provost and Town Council also, and at their installation did 'Recomend to Major Generall Grahame to be present.' The Municipal Governors thus arbitrarily established were not negligent of the lives committed to their charge, for at the beginning of 1687 the Privy Council of Edinburgh, being addressed by them, authorise the erection of lights on the Button-Ness, to lessen the perils of nocturnal entrance into the Tay. A duty was imposed for their maintenance

upon all incoming vessels, foreigners paying double toll.

Fountainhall records in his 'Decisions:' 'Nov. 4th, 1686; Major General Grahame of Clavers against Lin of Larg. Clavers as donator to a forfeiture pursues for payment of a sum due to a rebel.' He proved his legal right and obtained it. This has been supposed to be a debt due to Freugh, and is adduced in the 'Pictorial History of Scotland' as another instance of rapacity. Another still may be discovered in the second volume of 'Decisions,' p. 383, where it appears that he would not pay debts owing by Freugh. It is not clear that both notices refer to the same property. It appears from the second that he compounded with Freugh's uncle in 1682. A fresh forfeiture may have been bestowed ere 1686. It should be remembered that laws seemingly one-sided were framed to prevent collusive debtors or creditors from holding over property purposely assigned to them for a rebel's behoof in order to evade confiscation. There is nothing in the curt printed notes to show how far either transaction was *bonâ fide*.

Old Lord Dundonald died that year, 1686.

In the summer of 1686 a lively quarrel arose between Fotheringhame of Powrie and Grahame of Duntrune, near neighbours in Angus. Fountainhall is not quite clear as to which of them began it; and they disputed that point themselves. Powrie rode over the other's corn in hunting, and was reproved; called his reprover 'Villain and Rascal,' and was 'switched' for the words; appealed to the Privy Council, and was remanded. 'Next day, Duntrune (who was the bolder that he was Claverhouse's Chamberlain) meeting Powrie

in the High Street, spits in his face, because upon oath before the Council he denied the aggression. On this, a Privy Council meets again, and Duntrune is imprisoned.' Very properly it was ruled that an insult, like an assault, involved loss of the cause depending. After three weeks' imprisonment, Duntrune apologised.

Out of the resentments hereby engendered followed next year a combination of the Earls of Northesk and Panmure with Clavers as Constable to relieve the Tay fisheries of customary dues paid to the Laird of Powrie on passing Broughty Castle. It is this case that mentions seventeen years' minority during Clavers's lairdship, and thereby suggests the earliest possible date of his birth, which probably, however, as already shown, took place somewhat later. Powrie proved his right against the township; but as against the lairds the final result is not given. In June Clavers again went to Court; since he refused consent to a summary process because he was just starting for London.

A dispute between the new Earl of Dundonald and the magistrates of Paisley was settled in favour of the former 'by his brother-in-law Clavers's power,' and the magistrates were ordained to crave the Earl's pardon.

In 1688 Clavers was appointed Provost of Dundee by the King, and his friend Balcarras was ordered to install him; which, says Fountainhall, 'makes him absolute there.' Wodrow shows that he endeavoured to frustrate the Presbyterian Indulgence, by silencing on some pretext a Mr. Achmoutie who attempted to preach in Dundee. It is curious that the aged Episcopal minister who held the chief pulpit had been once a Presbyterian so decided that Scrymgeour, Lord Dudhope, a former Royalist Constable in Charles I.'s

time, had refused to pay his stipend. He was fully converted under Clavers, and either he, or his son and successor of the same name, was expelled at the Revolution.

The wilder Whigs, who rejected toleration, were not entirely quiescent during these three years, though their outbreaks were spasmodic, and little likely to entail widespread consequences. Republicanism was dead; and no monarchical pretender remained save the Prince of Orange, whose succession seemed assured in course of nature, for no one questioned that his wife would be merely instrumental to his sovereignty. In August 1685 Fountainhall gives account of 'a barbarous murder, committed by the fanatic Whigs at Lesmahago, on Mark Ker, bailie there, for assisting to take Rumbold. It was said a son, friend, or servant of Rumbold's was with them; they called for his pistol and whinger which he had tane at his disarming, and with the whinger ripped him up and took out his heart as Rumbold had been used' (at his execution for treason). Lord Balcarras, captain of Clavers's fifth troop, was sent after them with letters of fire and sword.

'*Nov.* 12th. News came from the West that Lieut. Col. Buchan had met with some of those skulking rebels beside Kilmarnock, and had killed three and taken one of their leaders, called Nisbet, on whose head a price had been put, and therefore they kept him alive.' This arrest is noticeable as one in which Wodrow admits that resistance was offered by the persons slain. John Nisbet of Hardhill, who received seven wounds in the fight, was thereafter hanged at Edinburgh. Howie of Loch-goin relates this as if three men were killed in

cold blood, 'without any sentence, after they were apprehended.' The 'Cloud' says they were 'shot to death,' without a hint of resistance.

The writer of Dundee's 'Memoir' relates circumstantially two or three treacherous slaughters by country people of men belonging to Clavers's regiment, some of which may fall within these later years, though it is equally conceivable that they had a share in provoking the severities of 1685. The same may be supposed of one or two remarkably sudden deaths, particularised in John Howie's 'Judgment against Persecutors.' One of these, by unaccountable hemorrhage, of which the subject, a 'Cocker' or Fowler, was 'in perfect health,' is classed by Patrick Walker among imperfectly justifiable attempts at executing justice consequent on Renwick's Declaration—'such as the killing the Curate of Carsphairn, the *Cocker* in ——, the Piper in —— &c.'[1] Another is by Howie himself, accounted for by a blow from an iron bar with which the servant of a 'gentleman' taken prisoner broke the back of an informer named Wylie. James Renwick continued to preach in the fields, although to lessening congregations, until the beginning of 1688. He was then captured at a smuggler's house in Edinburgh, prosecuted by Sir John Dalrymple, and hanged. Major-General Grahame is in the list of witnesses called against him. Another preacher of these later days, David Houston, was taken in Ireland, and in his route through the Western shires was rescued at Bella Path, near Cumnock, after an engagement in which six soldiers were killed and some wounded. One countryman, John M'Gechan, was killed.

[1] *Biog. Pres.*, ii. 76.

News of the skirmish was received by the Council June 22, and the sheriffs of each neighbouring shire were ordered to make search for combatants engaged in it. About the same time Wodrow mentions a severe search in Edinburgh, managed by Generals Douglas and Grahame. On June 14 the latter signed an order for general thanksgiving on account of the event really most ruinous to his master's interest, the birth of a Prince of Wales. In Edinburgh rejoicings came off June 21, elsewhere on the 28th. On the 26th the last witch condemned by the Supreme Court in Scotland was brought before the Council. Her name was Mac-Taggart. At her first appearance they inclined to spare her, but on July 12 her fate was adversely settled by a majority of two, and she was sent back to Dunbar to be burnt if her judges pleased. Sir George Mackenzie's 'pleading for sorcerers' had lost efficacy since he had been displaced. Clavers may have been in Council as late as June 26; but on the 28th his presence as First Magistrate would surely be necessary to superintend loyal demonstrations at Dundee, and he probably remained at home for some time afterwards.

His intimate friend, Melfort, was present at the Prince's birth, and Lady Melfort stood close beside the Queen. None of the suspicions of imposture with which Great Britain was ringing at the time could be harboured in General Grahame's mind, even had his respect and confidence towards his monarch permitted them to be otherwise imaginable. Among the complications arising from this birth, and the contemporary alienation of English Churchmen by James II.'s treatment of the Seven Bishops, it must not be forgotten that men who most sincerely believed in a genuine Prince of

Wales were likely to opine most strongly that he would never live to reign over them. James had lost so many children in infancy that his latest-born's survival was extremely doubtful. Succeeding to an hereditary throne the Prince of Orange would solidly base his power on Tory principles; snatching prematurely at a Parliamentary title he must risk becoming, as Monmouth unquestionably would have become, an impotent tool of demagogues. Those who knew him personally, as Clavers knew him, might well disbelieve that a shadowy interposal like this frail infant life would immediately fright him into treason. It is the province of general history to search into William's deciding motives; but when his decision was revealed by results, the same probability that he would one day be left sole claimant for their allegiance made it imprudent to offend him by refusing his earlier, though unjust, demand for it.

As yet, however, in the summer months of that most fertile and peaceful-seeming year 1688 no cloud appeared seaward. The Prince corresponded in friendly guise with his deceived father-in-law; James, warned at last by the shouts in his Hounslow camp for the Seven Bishops' acquittal that he had gone too far, was silent and sullen; the enemies whom he had endeavoured to conciliate by allowing them vantage-ground against him, and the still more treacherous apostates whom he admitted to his inmost councils, were silent and smooth. The joy-bells were but just hushed at Dundee; the bonfires for the royal heir just smouldered out; the pleasaunces of Dudhope were faint with rose-bloom, the rich slopes of the carse of Gowrie golden with waving barley before the dark famine-years to come after the Revolution, in that hush before the storm. Four years

wedded, the young wife of Clavers had as yet given him no heir; but even that possible shadow on their happiness was replaced now by dawning hopes. To the later years of his life pertains, no doubt, that high testimony to his personal behaviour and habits of private devotion which Balhaldy preserved, from 'severals that lived in his neightbourhood in Edinburgh, where his office of Privy Counsellour often obliged him to be; and particularly from a Presbyterian Lady who lived long in the storey or house immediately below his Lordship's, and who was otherways so rigid in her opinions that she could not believe a good thing of any person of his persuasion till his conduct rectified her mistake.' So far Dundee's admirers have repeatedly quoted Balhaldy; but they mostly omit his naively comic conclusion, that her corrected views prevailed with her 'to marry a High-flyeing Churchman,' apparently in hope of finding a second Clavers!

CHAPTER XX

1688

The Revolution

In September came the first mutterings of thunder presaging final catastrophe. James became aware of an intended Dutch invasion, and, reversing the precedent so effectual in 1685, he summoned his Scottish regulars to aid him in the South of England, while trusting Scotland to its own militia. On the first news of reverse these last became worse than useless, and soon transferred their services. Douglas, as senior officer, commanded the march into England; Clavers being in advance with the cavalry, numbering near nine hundred sabres. They started early in October; the foot proceeding by Chester, and the horse by York, to London, where Clavers and the Life Guards were quartered in Westminster, and the dragoons in Southwark, for a few days. On November 10 they joined King James's camp on Salisbury Plain; and the day after their arrival that monarch bestowed on Clavers the last gift in his power — a viscount's patent of nobility. The original parchment is preserved at Duntrune, and the royal seal is attached to it by a band of silver tissue neither dimmed nor tarnished.

Almost immediately on the arrival of the Scottish contingent treachery began its work. Douglas himself, as Lord Balcarras relates, fell in with the views of Churchill and men like him. Ere long he sought and won from Dundee an oath of secrecy concerning a proposition he was about to make; which proved to be that they should carry over their force to the Prince of Orange. The new Viscount was capable by his influence with the troops of preventing their commander from carrying out the scheme. He not merely withheld assent, but so pressed on Douglas the obligations of loyalty that he believed he had recalled him to allegiance. At Wincanton a skirmish took place between the Prince's advanced guard and some of Sarsfield's Irish. It is related that when the latter were repulsed Clavers rallied them, and retook the position they had lost; but that Sarsfield sent them directions to abandon it.

Sir John Dalrymple's 'Memoirs of Great Britain' contain some account of a military council at Salisbury, where Earl Dunbarton pressed James to compel hostilities ere the army should be disheartened, and offered to throw himself with his own regiment on the enemy at once. Dundee advised him either to fight the Prince or go to him in person and demand his business in England; a speech which indicates some remaining confidence in William's personal character. James procrastinated; and each day brought with it fresh defections. There is no need to specify them, except that of Drumlanrig, Clavers's Lieutenant-Colonel, who accompanied Prince George of Denmark. James retired to London, promising to call a Parliament; and Dundee was left to control for a time an army whence

almost every other general, English or Scottish, had disappeared. Dunbarton joined him; and they made up about ten thousand men. The Queen's flight with the Prince of Wales ensued; then that of the King himself. A letter to Lord Feversham, at Uxbridge, containing the news, and a command to disband the forces, arrived at a moment when the royal presence in order to renew hostilities was confidently expected. Captain Creighton, who attended on Feversham from the Scottish division, remarks: 'When I carried this news to my Lord Dundee, neither his Lordship nor the Lords Linlithgow and Dunmore could forbear falling into tears.' It was resolved to march back in a body into Scotland. Next day arrived a civil desire on the part of William that Dundee should keep his men together, and remain where he was, under promise of present immunity. At three in the afternoon, however, followed intelligence that James's flight had been arrested at Feversham, and Dundee hastened to meet him on his return. He reached London before the King, and met his friend Balcarras just arrived from Edinburgh. A meeting of Scottish officers and noblemen then in London was held at the Duke of Hamilton's lodgings. The Duke, in the interests of the Prince of Orange, demanded that a letter from the Scottish Council to the King, with which Balcarras was charged, should be delivered up to him. Balcarras tendered a copy, but retained the original with the approbation of all present except General Douglas. Hamilton insisted furiously, and at length flung out of the room, leaving his guests to disperse without leave-taking.

Three days later 'he sent for the Viscount of Dundee, and made great excuses for his passion, and desired

him to go to us all and offer us his friendship,' says Balcarras. It is curious that Clavers, whom Hamilton had always disliked, should have been his selected peacemaker.

The mad panic of the 'Irish night,' when London hourly expected massacre by James's disbanded Catholics, was followed by reaction on the King's return to Whitehall. Balcarras and Dundee attended him. The former's Memoirs, written by his son, graphically describe the dazed and unhappy King's demeanour at the interview. He was paying the penalty of earlier excesses by flagging powers of brain when energy was most required. Deserted by nearly all his courtiers, it is hardly wonderful if he failed to distinguish fidelity where it existed. A nobleman, perhaps Dunbarton acting by concert with Dundee, entered with news from a military council that twenty thousand of the dismissed army were near enough to be readily assembled if he would summon them; and was coldly answered: 'My Lord, I know you to be my friend, sincere and honourable. The men who sent you are not so.' James went out into the Mall, and none followed him except Balcarras and Dundee. He stopped and looked at them, and asked how they came to be with him still, when all the world had gone to the Prince of Orange. Balcarras answered 'that their fidelity to so good a Master would ever be the same.' 'Will you two, as gentlemen, say you have still attachment to me?' questioned the King. They repeated their avowal, and, at his request, gave him their hands upon it. He then acknowledged his intended departure for France, and promised them his commissions respectively for civil and military affairs in his absence.

That absence was the one thing necessary to complete his ruin; and a politician, clear-sighted as was Clavers, was sure to leave no stone unturned to prevent it. It has been well said that even then James Stuart might have kept his crown on his head, as a man keeps his hat in a high wind; but there can be little question that at the period of the Revolution he was menaced by the same cerebral conditions that had proved fatal to his brother. Violent hemorrhage from the nostrils had saved his life, but had left his brain enfeebled. William's emissaries worked upon his fears, and skilfully led him to an escape which they could depict as desertion of his kingdom.

Next morning the King of England, under a Dutch guard, was carried down the Thames to Rochester, in pouring rain, a prisoner; attended only by five British noblemen. Viscount Dundee was not among them, although his name has been erroneously inserted owing to the presence of another Grahame descended of the Netherby line—James's private secretary. Lord Macaulay has remarked that Dundee, too, with Balcarras, swelled the crowd which greeted the Dutch Prince on his entrance into St. James's. Some have questioned whether he could actually have gone thither; and that he should gratuitously offer William an insult by 'refusing without ceremony,' as Dalrymple asserts that he did refuse, when invited to enter his service, would certainly appear less dignified or praiseworthy than simple absence on such an occasion. But Collier confirms the fact of his presence, adding that he spoke his mind too plainly to the Prince, and, therefore, could expect no fair reception. An explanation may be guessed from his own advice to James at Salisbury,

recorded by Dalrymple, and from his singularly close relations, indicated by Collier, with the High-Church party. Sancroft, the Archbishop, had welcomed William's advent, trusting him to deliver the King from evil advisers until the moment when his own designs on the crown became unmistakable. If Clavers retained respect for his former leader on the battlefields of Flanders, it is not unlikely that he resisted to the last a full conviction that seizure of the crown was purposed. If he advised James to demand his son-in-law's intentions in a personal interview, it is possible he required assurance for himself that a presumptive heir's impatience had really carried Charles I.'s grandson beyond honour and honesty.

Balcarras answered to the Prince's offer by avowing the recent personal engagement both had made to their fallen master, and asked if William could consider them free to enter his service. 'I cannot say that you are,' was his reply; 'but beware that you keep within the law, or I shall be forced to let the law overtake you.'

CHAPTER XXI

1688

Character investigated—Financial position—Motives for fidelity—The King's flight from Rochester

Until the Revolution had become an accomplished fact, no touchstone had been applied to the character of Clavers. To use his own words ten years back, few 'had toiled so much for honour,' yet it was honour of the earthliest kind. He had won the reputation due to bold and active spirit, to unswerving resolution, thorough efficiency in every employment, and indomitable devotion to the interests of a powerful patron, in whose favour he had once and again turned a doubtful balance of fate. Had that patron continued prosperous, and had his military genius developed side by side with Churchill's in some future European war, he would have had no claim to a purer wreath than the common laurel befitting an able warrior. Like Churchill a soldier of fortune, he had exchanged his talent and energy for rank and power and substantial emolument. Like Churchill he had an exceptionally vivid appreciation of the last. So long as his king was able to pay him, he expected to be well paid. He had done deeds also which could be morally justified only by their motive. He had shed blood; more sparingly than his

been imagined; but he shed it once, twice, or thrice in circumstances when, if he acted from selfish expectation of reward, he must be branded as a hireling butcher, and when sincerest conviction that bloodshed was necessary to maintain a righteous cause can alone assoil him. His duty, or that which he professed to hold for duty, had hitherto been involved inextricably with his interest, and he had pursued them together. Few men, correspondingly situated at that epoch, found any difficulty in combining their ideas on those points under a new order. He was a Protestant still; no tie bound him to his fallen master save verbal oaths and protestations such as had melted like morning rime from the consciences of his colleagues in Council and in camp. Endeavours were made long afterwards, when he had been set up by one party as an heroic ideal, to represent him as despairing of favour under the new Government, and it is therefore needful to examine the grounds for such allegation.

That his sanguinary action against the Covenanters would be likely to incur punishment is answered sufficiently by the immunity and advancement enjoyed by Kirke in England and by Douglas in Scotland. Each had taken more lives by military execution in cold blood than Clavers had taken. Each was received, promoted, and afforded opportunity of distinction. But indeed the apprehensions supposed to be excited in his mind were suggested originally in a different form. Oldmixon, one of the most violent party writers of the succeeding reign, descants repeatedly on the oppression formerly exercised by Dundee, the many families he had brought to ruin, and the likelihood that he feared reprisals. Obviously this language applies

to restoration of forfeitures, ordained by the Parliament of 1690, and no doubt mooted early in 1689. Men who had engaged in every conceivable variety of plot against Charles and James II. were thereby repossessed of their confiscated property, with power to claim bygone rents from the donators. As a matter of fact the Marquis Douglas, who obtained Dundee's estate, did eventually refund out of it whatever amounts the former victims of Clavers were authorised to demand. Some approximate conception of what was left may be arrived at. Freugh, the most important gift bestowed at any time, had been compounded for by 'a great sum' in 1682. Since then interest on that great sum was recoverable as well as the principal, but not entirely from Dundee's property, if, according to custom, he had repaid a portion to the Crown as part expenses of putting down the rebellion. In the appendix to the 'Cloud of Witnesses' the exactions of Clavers, his brother, and his subordinates in the sheriffdom of Galloway are reckoned at 13,500 pounds Scots money, equivalent to 1,125*l.* sterling. Part of this only was recoverable from Dundee, the rest from any deputes who had shared it. He had perhaps received, and might be liable to restore, as much altogether as three or four thousand pounds value. His acquisition of Dudhope was unrescinded by the Act of 1690, not being a political forfeiture. Before any royal gift whatever had been bestowed on him, Lord Menteith enumerated among his qualifications for the hand of Helen Grahame that 'he is, as we say, well to live, having a free estate above six hundred pounds sterling of payable rent near Dundee,' besides military pay. The last was high in those days. Clavers had always

lived within his income. 'A good manager of his private estate,' he is described by his friend Balcarras. 'Parsimonious rather than profuse, he maintained an exact economy in his family,' says Balhaldy. Mr. Auchterlony's description of Angus mentions a quarry on his estate at Glen Ogilvie whence stone was exported 'to all places on the water of Forth.' So that he had other sources of wealth besides western spoils, and could have rendered up all these without reducing himself to poverty. Further on, Oldmixon magnifies his terror of assassination by persons who he knew 'had Reason to resent the Severities he had practised upon them for the Space of many Years together.' Oldmixon asserts that there was really no such design against him, a matter to be inquired into in its place; but if there were special danger at the time to which he alludes, it must have arisen from the connivance of high authorities, and that connivance was prompted by assurance that Dundee was then a main pillar of King James's cause. Submission to William would have freed him from that form of danger at once; and from more private and unsanctioned attempts he would have been in less peril at his own house in peaceable Angus, than was the Laird of Lagg, who survived equally execrated, in the midst of a resentful population for more than fifty years. That a man of Grahame's temper would willingly, in the prime of his powers, have endured relegation to obscurity and neutrality, is problematical; but besides that course two more were open to him, other than leading a forlorn hope of loyalty, namely, residence abroad (as at Hamburg, which Oldmixon says in an hour of despondence he once contemplated, or at least talked about), with

service under some foreign potentate; or, had his conscience permitted it to him, acceptance of William's invitation to serve him. Had he elected the last, general history would have known no more of his past cruelties than it does of Douglas's or Drummond's.

There is no token that he faltered in reality, even for an instant; not even in the bitterest pangs of disappointment that succeeded one more prospect of retrieval in England. Scarcely had the King reached Rochester, when Archbishop Sancroft emerged from the retirement into which on discovery of William's intentions he had withdrawn. He, the most popular man in England for the last six months, agreed to head the Royalist party. Turner, Bishop of Ely, was with him, and despatched messenger after messenger to Rochester, imploring James to remain in Britain, to reassert his own rights and give pledge for those of his Protestant subjects. An army reassembled under Dundee, a steadfast Protestant, in name of the Archbishop, to strike for Church and King, might yet gather within itself all elements of English loyalty. On fire with renewed hope he dashed down to Rochester, through drenching December rain, on Saturday the 22nd, and found James preparing for departure that night. Under shadow of a mighty Norman castle, not yet dismantled, and suggesting to an experienced soldier's eye capabilities that might be turned to account, amidst a friendly seafaring population, the King was located, in a house belonging to Sir Richard Head. It stands still, in the High Street, almost opposite the precinct gateway; and, although it has been much altered, a low window at the back is still shown through which James made his escape ere dawn; and the position of the fire-

place may be guessed whereat he sat, while the last precious moments ebbed away, inactive, in stupor of despair and illness, replying to each appeal 'God help me! whom can I trust? My own children have forsaken me.'

A memorandum by Carte affords a glimpse of the final scene: 'The Earl of Middleton told me that when King James II. was at Rochester, his father, the Earl of Dunbarton, and Lord Dundee, were with him; and the fire wanting to be put to rights, and renewed, the King was so deserted there was not a servant of his in the way. The Earl of Middleton, who had gone into the outward room to see for one, told the King there was none in the way but a servant of his own, David Middleton (afterwards steward to the Duke of Bedford, whom I knew well), and if his Majesty pleased he would call him in to mend the fire. The King desired it, and David came in. While he was adjusting the fire he heard them continue an earnest discourse wherein they were engaged; and Lord Dundee said: "Sir, the question is, whether you shall stay in England or go to France. My opinion is, you should stay in England. Make your stand here; and summon your subjects to your allegiance. 'Tis true your army is disbanded by your own authority, but though disbanded not so dispersed but if you will give me your commission I will undertake to get ten thousand of them together, and march through all England with your standard at their head, and drive all the Dutch before you." The King said he believed it might be done; but it would cause a civil war; and he would not do so much mischief to the English nation whom he loved, and who would come soon to their senses again. . . . The King soon after stole away for France.'

No doubt can remain that this occurred during James's last sojourn at Rochester, on the eve of his final departure, if an expression of Philip of Almryclose be taken literally. 'Sad was that day to the Grahame,' he writes, 'when he beheld the monarch who had just appeared so bravely in trim of war in his camp at Salisbury, suddenly stealing from the shores of his own kingdom, all unarmed and conveyed in a little two-oared boat.'[1] The garden at Sir Richard Head's house ran down a long distance to the waterside; and, although three persons only embarked with James, more doubtless attended him to the edge. From that moment it was manifest at what cost fidelity must be continued; and Dundee, on his road back to London, knew it was not too late to repent his rejection of William's offers. In one sense it never was absolutely too late before the night of Killicrankie. So far is it from being true that for guilt already incurred he could expect no forgiveness, that in the last month of his life an official attempt was made to bring him to submission by offers of a favourable reception, should he voluntarily relinquish his chosen course.

[1] Napier, iii. 519.

CHAPTER XXII

1689

Disingenuousness — Return home — The Convention — Edinburgh Castle — Letters to the Convention — Perjury — Dread of Retribution — Flight northward

Lord Dundee lingered some weeks in London, perchance hoping to retain some hold over the Scottish troops cantoned in England. They would have been ready enough, as their mutiny after his departure proved, to adhere to him in spite of Dutch officers placed over them; but they were too few to force a passage for themselves to the Border, and to have called on them for such an effort would have been reckless waste of life. Earl Dunmore, colonel of the Scots dragoons, refusing service with the Prince of Orange, was replaced by Sir Thomas Livingston. Dundee's own regiment was separated once more into independent troops. Lords Ross and Annandale passed under the standard of the new Government. The leading troop for the most part attached itself still to its colonel, was supported from his private resources, and was not interrupted in its homeward progress under his command. Burnet (whose connection through his first wife with the Cochrane family ought to have prevented his mistaking the title borne by Lady Jean's husband) remarks:

'The Earl of Dundee,' while in London, 'fixed a correspondence both with England and France; though he had employed me to carry messages from him to the King' (William) 'to know what security he might expect should he go and live in Scotland, without owning his Government. The King said, "If he would live peaceably and at home, he would protect him." To this he answered that unless he were forced to it he would live quietly. But he went down with other resolutions, and all the party resolved to submit to his command.' Lord Macaulay has treated this transaction as disingenuous. It is hard to guess what alternative lay open to sincerity. The flight from Rochester may well have chilled even Dundee's fervour, as regarded any prospect of immediate Restoration. His stipulation that he should not own the new Government, and that former interview with William which avouched his views of allegiance to James, were surely sufficient to show the possibility of his considering himself 'forced' by moral obligation into activity under certain contingencies. William of Orange doubtless deemed the unlikelihood of those contingencies a sufficient security for the moment; and trusted the logic of self-interest to control conscientious or romantic impulses in a temperament exceptionally sober, calculating, and sagacious.

Habitual coolness and reticence, taken in combination with a trifling error on Mr. Napier's part, suggested to a modern reviewer that Clavers was 'insensible to love, and careless of domestic happiness.' Balcarras mentions that, in company with himself, Viscount Dundee reached Edinburgh about the end of February. In describing his reunion with his wife after he seceded from the Convention a month later, Mr. Napier remarks:

'They had not met since the hour he had ridden sadly yet proudly from Scotland at the head of all the Scottish Horse.' 'Crowded within the space of a few months how much there was to tell her!' It had been told already. Strenuous political occupation, whilst the Convention which must adjudge the fate of Scotland's Crown was on the verge of gathering, might have excused postponement of tenderer sentiments, but a most prosaic piece of evidence, in the shape of a receipt given by the Constable for malt-duty, exists to demonstrate that he had at once prolonged his wintry journey from London to the northern home where his lady's situation at the time enhanced domestic interest. A lithographic reproduction of his own handwriting, among the published 'Charters and Documents of the Burgh of Dundee,' exhibits date, 'Dudhope, March 11th. 1689,' and serves to acquit him of an imaginary neglect. If he hoped by his personal presence to influence the election then pending in the burgh, he encountered disappointment; for James Fletcher who was chosen burgess voted in favour of the Orange party.

Thursday, March 14, was the Convention's opening day. Till its decision was proclaimed all was not lost in Scotland; and by constitutional means the Stuarts' native throne might be preserved a while longer. Tories complained greatly of intimidation and illegal voting, yet after all, parties were balanced so nearly in the Assembly that it was uncertain at first which might predominate, a considerable number waiting to support that side which should prove least in need of assistance. Choice of a president first registered the votes. Hamilton was proposed by the Whigs, and Athol, in the absence of Queensberry who remained aloof

in England, was put forward as ostensible leader of the Tories. Hamilton triumphed by fifteen votes, and that preliminary majority ensured him a larger one subsequently.

His earliest act was to demand from the Duke of Gordon, a Papist appointed by King James, immediate surrender of his Governorship of Edinburgh Castle. Already had Gordon been on the brink of abandoning his charge when Balcarras and Dundee first reached Edinburgh from London, but an interview with them had determined him to retain it. A second refusal, similarly prompted, drew down on him from the Convention a sentence of inter-communing, and a blockade of every known access to the fortress, by some companies of foot hastily drawn together from the western shires. In expectation that they would be required, a large number of volunteers deeply tinged with revolutionary and covenanting doctrines had been assembled under the auspices of Sir John Dalrymple and others, and kept in reserve till Hamilton acquired a title to employ them. 'The Countess of Errol,' remarks Balcarras in his Memoirs, 'found a way to keep a constant correspondence with the Duke of Gordon all the time of his being blocked up.' Her brother Melfort had formerly been Governor of the Castle himself, and its secrets would be known to him. Long afterwards a subterranean passage and stairway hewn out of solid rock beneath the Well-house tower, was uncovered. If Balcarras be understood to imply that Dundee again entered the castle after a blockade was formed, her ladyship, it may be conjectured, imparted to him a secret of ingress which she withheld from Athol a few days

later, and which, though long suspected to exist, was verified in recent years only.

To one of the negotiations for surrender of the Castle at this time pertains a good story, that Gordon, being dissuaded by Dundee from a capitulation to which he had already consented conditionally on indemnity for himself and associated adherents, extricated his word by including, in a written list of the latter, every clan in the northern Highlands.

Display on the part of Hamilton of a questionably legitimate armament afforded Athol an excuse, after his rejection from the presidentship, for falling back upon his mountain resources. It was possible to pretend that the Convention was under awe of Cameronian violence. King James's representatives resolved on summoning it to meet at Stirling, where the Earl of Mar, the governor of the fortress, was accounted their firm adherent, and where Athol's claymores were prepared to 'protect' its deliberations in a spirit opposite to that which Dalrymple had evoked from Galloway. Much has been written respecting this scheme of a counter-Convention, as it is usually called, though it was contemplated during a few days at most. Ere any step could be taken to realise it, there arrived on March 16 letters addressed both by William and by James to the convened Estates of the Realm. The first was read aloud by Hamilton, without hesitation, and is described as 'temperate and satisfactory,' at least to those who were prepared to be satisfied with it. Before the second could be read, an engagement worded as follows was demanded from all present:—

'Forasmuch as there is a letter from King James VII. presented to the Meeting of the Estates, that they

before the opening thereof declare and enact "That notwithstanding of anything contained in that letter for Dissolving them or impeding their Procedure, yet that they are a free and lawful Meeting of Estates and will continue undissolved until they settle and secure the Protestant Religion, the Government, Laws and Liberties of the Kingdom."'[1]

The Revolutionists, who desired like Cromwell to purge the house of a powerful minority opposed to them, expected decided Royalists to resist any pledge involving disobedience to a possible command from their monarch. Dundee and his followers disappointed them by signing the engagement. Lord Macaulay, in alluding to the Viscount's subsequent departure from Convention, applies the adjective 'perjured,' and the word has been adopted by other writers. Since no oath was involved, the expression can hardly in any case be considered accurate, but it may be admitted that during those seconds which elapsed between signing the engagement and learning the contents of King James's letter, Dundee and the Jacobites remained in peril of either breaking their promise just made, or of falsifying their allegiance to James. Oldmixon suggests the idea of 'perjury' in his declaration that the Jacobites, by this and other acts of resistance to James in Convention, 'did enough to forfeit their Heads by their own Act and to damn their Souls by their own Principles.' After the letter had been read and found to contain no order for Dissolution, but rather acknowledgment of the Assembly as lawfully representing Scotland's shires and boroughs, their dilemma was ended. If they were as entirely ignorant of the Royal letter as Balcarras's complaint that Melfort

[1] Oldmixon, *Memoirs of North Britain*, p. 39.

sent no duplicate beforehand has permitted Lord Macaulay to maintain, Dundee must bear the responsibility for his party of having deliberately signed a promise which only good fortune enabled them to keep. In communication, however, to the last moment with his departing sovereign—in constant communication with Melfort's sister, Lady Errol, to whom everything was confided, Dundee may be conceived to possess some previous knowledge whether James intended to recognise or repudiate the Convention. If he risked a promise to disregard a hypothetical command which he knew to be non-existent, he can hardly be pronounced indifferent to perjury or to breach of veracity. Had Dundee and Balcarras eventually summoned a Convention to meet at Stirling, it would only have been necessary, in order to keep their recent engagement intact, that they should summon in King James's name the very same Convention which he addressed as 'the Peers and Representatives of Shires and Boroughs of Our Ancient Kingdom.' A different revision of doubtful elections would have struck off quite a different class of questionable votes, and of non-qualified candidates; and extreme Whigs would have seceded from an Assembly held under 'protection' of Athol's Highlanders exactly as Jacobites withdrew from the guardianship of Hamilton's Westland volunteers. But in any case the Convention would have called itself 'free and lawful,' and proceeded to settle laws and liberties by its dominant majority. No member bound himself individually not to withdraw for any cause whatever; but merely not to withdraw for any order of Dissolution contained in a particular letter then about to be opened.

That letter, printed in full by Oldmixon, contains

no order to dissolve. It has been seldom reproduced; though often described as arrogant. It is couched in general terms, which might be diversely interpreted, and many persons were predetermined to seek in it some pretext for abandoning a lost cause.[1]

On Saturday, March 16, is recorded in the Minutes of the Convention a complaint publicly made for 'security of the members.' Evidence was laid before the House that assassination of Sir George Mackenzie of Rosehaugh and Viscount Dundee was projected by certain persons in the city, and the matter then put aside without action, on the ground that public business could not be postponed for private concerns. This was enough for the leading Jacobites, who thus registered their excuse for endeavouring a removal of the Convention. If its members were demonstrably meeting under menace by insurgent Cameronians whose presence was to be connived at, then it could no longer be entitled 'free and lawful.' The Archbishop of St. Andrews, Balcarras, and Dundee were empowered to summon the Estates to Stirling, and on Monday they planned to depart thither, where aid from the Highlands was ready to sustain them. Malcolm Laing has treated Dundee's apprehensions on this occasion as altogether feigned. Lord Macaulay, although marvelling that he 'who had shed the blood of the Saints like water, could walk the High Street in safety for a single day,' has credited him with that morbid 'dread of retribution formerly personified under the name of the Furies.' Mr. Napier charges upon the future schemer of Glencoe something like guilty acquaintance with an intention to remove from his path the last efficient supporter of the Mon-

[1] *Memoirs of North Britain*, 1715, p. 40.

archy he was undermining. It is remarkable that Sir John Dalrymple in 1684, when Clavers, in the prime of health and vigour, was younger than the invalid Lord Menteith, wrote to that Earl: 'You have had three friends who meddled with you too close, but I think you shall see all their graves.' The context shows one of the three to be Montrose, just then deceased of fever. The second was probably the Countess, whom Menteith was endeavouring to divorce, and who might be in feeble health. Clavers, 'whose ambition had brought the trouble of my Lord Montrose' (as another correspondent remarked), was surely designed as the third; but unless there were some expectation in the writer's mind that death would in the last instance be accelerated by violence, his vaticination was strangely groundless.

From the day when six or seven score armed Whigs lay in wait for him at 'the Bille,' Clavers had been obnoxious to an enmity of which Sir John Dalrymple may have been cognisant only as he was cognisant of it himself. Had his king's interest demanded his continued presence in Edinburgh, it may well be believed that Dundee would have braved that enmity enhanced by prospects of impunity to his assailants. His peril was real; though he made use of it as a pretext for doing that which for other reasons he was desirous to do.

Monday the 18th arrived, and Dundee at the head of his troopers riding up to the starting-place, whence it had been agreed he was to escort the other principal Jacobites to Stirling, found Athol absent—Athol, their nominal chief, whom they had loyally striven to uphold, and on whom the Stirling project depended. He had asked a day's delay, and Balcarras undertook to persuade Dundee to wait for him. The Viscount refused to do

so. Apprehensive more probably of arrest than of murder, he announced his resolve to depart immediately; promising to pause on his route long enough to allow any of his party who *could* leave Edinburgh next day to overtake him. 'It was very evident his going away would give the alarm,' writes Balcarras, 'which made me extremely earnest that he might stay one day longer, but he had before made an appointment with some to go with him. So he went straight away with about fifty Horse.'

Lord Livingston, captain of the Scots Life Guards, was the only nobleman who accompanied him. That neither Athol nor the rest followed next day it is scarcely necessary to mention. Leaving the city by Leith Wynd, the Viscount passed round the Castle and Norloch by the Lang Gate, now Princes Street, and Kirk-brae-head. Here Gordon signalled to him by waving a red flag from a postern, and in some way they contrived to come within speaking distance. Dundee, a native of the most level county in Scotland, must have been an admirably trained cragsman if he accomplished, as is asserted, an ascent of the Castle Rock on its north-west side, in military accoutrements, to say nothing of the excellent mark he must have afforded when clinging in mid-air to the face of a precipice, while hundreds of Cameronian muskets invested its base. One inclines to suspect the Well-house tower. Alarm was instantly conveyed to the President in Convention that Dundee was 'intercommuning with the Duke of Gordon over the Castle Wall.'

That Gordon inquired of Dundee whither he was bound, and received for answer, 'Where the spirit of

Montrose shall direct me,' rests on authority too modern to be relied on in these pages without confirmation—that, namely, of Dalrymple's Memoirs. From the same source was derived Sir Walter's allusion to 'Mons Meg and her marrows,' which, however effective in verse, would tend, were it well-founded, to sustain the imagined indifference of Clavers to human life. From Balcarras's Memoirs, it appears that Gordon was asked, and refused, to fire on the town after Dundee had altogether departed. This was a last resource, urged by Athol principally, with concurrence of his party, including Queensberry, who was newly returned from London.

Hamilton locked the doors of the Parliament House; and, avowing his patronage of the Westland patriots—whose intentions Rosehaugh had lately denounced—he bade the Earl of Leven draw them out, and dissipate Dundee's forces. Balcarras describes them on their overt appearance, as a contemptible rabble who would have found difficulty in accomplishing their allotted task. Dundee had descended the rock, and resumed his journey without waiting for them. With what remaining hope he rode onward to Linlithgow, his first halting-place, no history has recorded. At Stirling, if not before, he learned that the Earl of Mar's fidelity was unable to bear the stress thrown upon it, and that the second fortress of the kingdom had passed from the service of its native princes. He crossed Stirling bridge on the 19th and betook himself homeward.

CHAPTER XXIII

1689

Summons from the Convention—Letter to Hamilton—Pledge to keep the peace—Birth of a son—Outlawry and forfeiture—Relations with Earl of Melfort—Departure for the Highlands—Treachery among the Scots Dragoons—Lord Kilsyth—Movements in the North—Mackay in pursuit—Keppoch at Inverness

Viscount Tarbet wrote in the summer of 1689 to King William's minister, the Earl of Melville:—

My Lord,—All I shall say for the Castle of Stirling is that the Earl of Mar's family is amongst the first who deserve best of King and country, and if I had not advised Alva '(Mar's son)' and he most readily embraced the occasion of going to Stirling Castle that night when Dundee went from Edinburgh, and if the Earl of Mar had not broke off that design of the withdrawn members there going to Stirling that Convention had not been so (*i.e.* the Whig Convention at Edinburgh had been replaced by a Tory Convention at Stirling).[1]

After this, it is not surprising that Dundee declared of his old associate the Register, 'Tarbet is now a great villain.' The Viscount had stayed for the night at Linlithgow, and reached Stirling next day where Mar' defection prevented the rest of King James's adherents from reuniting with him. Isolated at last, in very

[1] *Leven and Melville Papers*, p. 113.

deed, he proceeded unhesitatingly to initiate an alternative scheme which employed his energies from that time onward. Lord Macaulay, in pursuance of a fixed idea, already insisted on by Oldmixon, that Dundee would have shrunk like other men from penalties involved in continuance of loyalty, had not his former 'inexpiable guilt' closed to him the door of repentance, has suggested that his chance meeting with Keppoch's clansmen, when later on he was flying from arrest, inspired his first conception of a Highland campaign. Balhaldy may surely be trusted when he recounts the actions of his own immediate progenitor (father or grandfather, it is uncertain which). He says of the Viscount's progress at this juncture, 'That night he lay at Dunblane, where he was informed by Mr. Drummond of Balhaldy of the confederacy of the Clans, and of all their resolutions in favours of King James. These agreeable news confirmed him in his designs. He marched home to his own house at Dudhope, and though there was a Lyon herald and trumpet sent after him by the Council ordering him to return on pain of high treason, yet he excused himself.'

The summons had been issued on the 19th, the morrow after his departure, and two troops of cavalry under Major Buntein had been also despatched in pursuit. But pains seem to have been taken that neither should come up with him too soon. Not till March 27, when the Constable had been a week in his own castle which his troopers were very sufficiently garrisoning, did Hamilton's herald appear before its frowning gateway. Dundee wrote a reply to Hamilton, which General Mackay in his Memoirs terms very disrespectful. It has been so frequently printed that in-

sertion here is unnecessary to vindicate it from that imputation. As Lord Macaulay, without mentioning its existence, asserts in unqualified terms that Dundee professed he had no intention of opposing the Government, and offered to give his word of honour, or if that were not sufficient to give bail, that he would keep the peace, it is obligatory to remark that Dundee's letter contains no profession of future intentions. It represents that he is summoned to lay down arms when he is actually living at peace and has done nothing that can fairly be construed into taking them up. To Hamilton—a near connection of Lady Jean through his daughter's marriage with Lord Cochrane—he urges that it is 'unreasonable I should leave my wife in the condition she is in;' and begs the favour of delay until her hour of peril be past, adding, 'In the meantime I will either give security or parole not to disturb the peace.'

His word of honour, then, if it had been accepted, would have bound him for a few weeks at most. Philip of Almryclose, in a line of his Latin poem descriptive of occurrences ten or twelve days later, alludes to the domestic crisis as past. In all likelihood, the birth of Dundee's only child, a son, took place at the commencement of April; for Balhaldy's remark (after all grounded apparently on a misapprehension) that after an expedition northward the Viscount returned and 'found his Lady in childbed.' is intelligible if alarm and anxiety had, as is not unlikely, retarded the patient's recovery.

On Saturday, the 30th of March, Dundee's answer was formally read for the second time in Convention; and with sound of trumpet he was denounced both in the Parliament House and at the Cross of Edinburgh as

a traitor. It is singular that an infant heir, long waited and wished for, should have entered the world so very nearly at the time when his prospective heritage vanished in a breath; and such a coincidence must have exacerbated the pang of sacrifice.

Since that little two-oared boat on the Medway was shrouded from his sight by mist and darkling rain, Dundee had looked that sacrifice in the face. 'The Despot's Champion' led a forlorn hope now; and his followers had blenched one by one. Ere the middle of April, Queensberry and Athol were both writing submissive letters to Court; letters very different from the one which Lord Macaulay has represented as a compromise on the part of Dundee. That had been indited to gain time; but a little time only. Within a week of its date his promised commission as Commander-in-Chief had been signed by James in Ireland and despatched. Its bearer, an Irishman named Brady, either betrayed his trust or became involved in the train of ill-luck which everywhere clung to the falling cause, and was intercepted. A letter from Melfort to Balcarras was selected from among his papers as suitable to inflame resentment, and published accordingly in Convention. Careless in expression it may have been; but it is extraordinary that Macaulay, acquainted as he was with the most friendly tone of Dundee's subsequent correspondence with its writer, should have given currency to a senseless conjecture that Melfort hated Dundee and Balcarras so spitefully as to have planned the interception of his missive in order to ruin them.

'You desire I may tell you your faults; I use to see none in my friends; and to tell you what others find, when I do not believe them, were to lose time.'

Could the exquisite grace with which Clavers thus extricated himself, a month or two later, from an embarrassing appeal, or could the appeal itself be conceivable, if Melfort were on terms of enmity with him?

King William and Queen Mary were proclaimed at Edinburgh on April 11th; and an immediately ensuing consequence of Brady's discovery was a warrant in their names for arresting Balcarras and Dundee. It was to be carried out by two hundred of Leven's men. The former nobleman was taken into custody without difficulty at his own house at Fife. The latter, on learning the loss for the present of his expected commission, set forth on his own responsibility without it, to initiate his task of creating an army for his master. He had pledged himself long ago for the conversion of his Puritan betrothed, and Philip of Almyclose, who enrolled himself standard-bearer to the expedition, records that at their parting 'her heart was high as his own.' 'He leaves his stately towers and his beloved wife,' writes the self-styled Ennius of Dundee, but the last prayers and fond words were directed to sustain, not soften, his resolution. Each might have whispered to the other that noble line of an English cavalier:

I could not love thee, love, so well, loved I not honour more.

Glen Ogilvie, that 'valley through which the Glammis descends to the ancient Castle of Macbeth,' was Dundee's first halting-place. Ice clogged the rivers, and snow still covered the hills. The jointure-house where he stayed could have been defended by his troopers against a more orderly force than Leven could array against them; but fresh troops were coming into

Scotland. Major-General Mackay had landed at Leith some days ago, with the Scots-Dutch regiment he had long commanded in Holland. He now sent forward Dunmore's dragoons, newly officered by Sir Thomas Livingston, with directions to surprise the Viscount either at Dudhope or Glen Ogilvie. Warned in time, and unaware that the rank and file of the regiment entertained most favourable dispositions towards himself, under whose command most of them had fought in past times, Dundee avoided premature hostilities by retreating further northward.

Charles Murray, Earl Dunmore, Athol's second son, having rejected William's proposals at the Revolution, had been superseded by the more compliant Livingston. Inferior officers were little tested ; and with the exception of the Major, Balfour, newly introduced, perhaps to watch the rest, they were all ill-satisfied with their change of sides. A plot, headed by the Lieutenant-Colonel, William Livingston of Kilsyth, had for its object a junction with Dundee, and when this was frustrated by his retreat, and they were ordered, instead of following him up, to garrison the town he had just quitted, they were at a loss. Lieutenant Creighton, whose narrative supplied a few particulars of the attack on Glasgow ten years ago, now commanded a troop of the dragoons. Kilsyth did not himself venture into the presence of Lady Dundee, a circumstance which of itself renders it unlikely that there was any acquaintance between them at this epoch ; but he sent Creighton, who got privately into the Castle the first night the dragoons were quartered at Dundee, and informed her ladyship that the regiment was at her lord's service, if she could let him know the fact. A few days after-

wards, a ragged Highland boy slipped into Creighton's hand a notification from Dundee that he would expect the dragoons to join him when succour came from Ireland.

Meantime the Viscount was moving rapidly through several northern shires, interviewing the principal gentry and animating all to active resistance, by representations of James's success in Ireland, and expected presence in Britain. Desponding loyalists wherever he appeared took heart again, and blushed for concessions they had been on the verge of making. On Sunday, April 28, it was appointed by order of Convention that every minister north of the Tay should in his pulpit proclaim King William and Queen Mary; and thereafter pray for them as lawful Sovereigns. An Episcopalian pamphlet of 1690 (Account of the Present Persecution of the Church of Scotland) presents a scene that occurred in Moray. A curate, named Falconer, had schooled himself painfully to compliance, rather than abandonment of his benefice, when Viscount Dundee entered the church as one of his congregation. What marvel that the wretched man's tongue clave to his mouth, in presence of embodied Conscience! He prayed as was enjoined on ensuing Sundays; but his obedience came too late to save him from deprivation.

General Mackay's Memoirs become thenceforth a principal source of information concerning his adversary's movements; for the accounts which Dundee from time to time sent to Ireland have perished, with fragmentary exceptions. When the Viscount set out from Dudhope he had with him, besides the fifty troopers he maintained, his brother David, and a few gentlemen of Angus. Lord Livingston had diverged to

Glammis, during the march from Edinburgh to Dudhope, weeks ago. Mackay set out in person with about four hundred and fifty cavalry to overtake and overpower this small party before it could gather important accretions. The greater part of the Scots dragoons he left behind at Dundee to overawe the neighbourhood, which he accounted very disaffected to the new Government. On through Kincardine and Aberdeenshire he hastened, hearing news of the Viscount everywhere; but arriving always too late at every place where he hoped to come up with him. Believing that he had engaged the Laird of Grant to watch the fords of Spey, and stopped the passes of Athol by inducing Lord Murray, Athol's heir, to send orders to his father's clansmen, he felt assured that his prey must be turned back into his toils before long. At Brechin he learned that Dundee had already been through the Gordon country, over Spey to Elgin and Inverness, and was now returning southwards. Mackay hurried forward to meet him, dividing his forces so as to secure Gannachy bridge, but failed to find him. Dundee, aware of his vicinity, had retraced his steps in time, and, slipping past the Laird of Grant without difficulty, was now in Moray.

At Elgin Mackay heard that Macdonald of Keppoch with seven hundred men had risen and joined his adversary. His experience of the country he had passed through assured him that the whole north would be with Dundee at his first success. Retirement before him would be little less disastrous than defeat; and for the present Mackay strengthened himself at Elgin.

Dundee's junction with Keppoch was but temporary. It happens fortunately that his own lucid epitome of the affair remains among Carte's collection of papers,

for other accounts vary. A 'confederacy of clans,' prompted by dread of Argyle's resuming the overweening predominance which his house had forfeited in 1681, was revealed to him by Balhaldy at Dunblane. It comprised Macdonald of Keppoch, whose activity directed itself rather to private than public objects. Dundee had sent from Castle-Gordon an express to Locheil acquainting him with his resolve to raise King James's standard, and the Clans agreed to welcome him as their leader. Keppoch, with a number of Locheil's Camerons added to his own men, was commissioned to go and meet Dundee, who in the interim had attempted a descent on the Lowlands, to test the offer held forth by Kilsyth and his dragoons. Mackay's advance had turned him back; and when he again reached Inverness, he found Keppoch there before him, and making his own use of the men under his command. His despatch to Ireland shall now speak for itself. (Transcripts of Dundee's despatches as preserved in Carte's collection are in the third person. His own style is however distinctly recognisable.)

'They plundered MacIntosh's lands and the neighbourhood which MacIntosh in a manner deserved, because the Viscount had written twice to him to declare for the King and had got no return. The Laird of Kilravock with three hundred men was on one side of Keppoch, and the town of Inverness in arms on the other. The Viscount sent to Kilravock to know his design. He professed loyalty and so was allowed to guard his country. The magistrates of Inverness came and informed him that Keppoch had forced them to promise him four thousand merks. My Lord Dundee told them that Keppoch had no warrant from him to

be in arms, much less to plunder; but that necessity had forced him out, and told he would give his bond that at the King's return (since they had not yet declared the Prince of Orange King), they should have their money repaid them; after which he desired Keppoch to march his men with him and he would go and engage Mackay. But the men, partly Camerons, said they could not without consent of their master. But the truth was they were loaded with spoil, and neither they nor their leaders had anything else in head. So they went home, plundering on the way.'

The occurrence was a sample of the difficulties he would have to face; and, in a degree, of the tact with which he would meet them. He had incidentally secured a verbal pledge at least of loyalty from Kilravock, while he had imparted to the townsfolk a pecuniary interest in James's restoration.

By the accession of some rather half-hearted followers of Grant and Lord Forbes, Mackay was now become over a thousand strong; and to encounter him without Keppoch was out of the question. Earl Dunfermline, Gordon's brother-in-law, had joined Dundee with a few horsemen, and leaving Mackay to look about for him in vain, the Viscount crossed over snowy mountains from Strath-nairn to Strath-herrick, and past the Fall of Foyers to Invergarry, obtaining promises from the chieftains he visited. At the church of St. Coemgen, Kilcummin, he paused, where Montrose at the outset of his great campaign drew together the Gaelic leaders in 1645. Locheil's house in Lochaber was now chosen for a similar rendezvous, fixed for May 18.

CHAPTER XXIV

1689

Capture of officers at Perth—Seizure of public revenue—Advance upon town of Dundee—Plundering investigated—Failure to secure the dragoons—Cross march to Lochaber—Muster at Dalcomera—Retreat of Brigadier Ramsay—Surrender of Ruthven Castle—Release of Captain Forbes

THE first week in May was already past when the Highland gathering was appointed. Some space intervened ere it should take place; and cavalry was so much needed that Dundee resolved on attempting to attract the Scots dragoons by a sudden raid into the Lowlands, which might otherwise advantage him. Not quite confiding in Lord Murray's ability to keep Clavers out of Athol, or to stop him from passing through it, the Government resolved to call out and arm the Perthshire Militia. Two well-connected Whig Lairds, Blair and Pollock, were commissioned as captain and lieutenant. They went down to Perth with arms and munitions, and every requisite except men. Whatever the secret inclinations of St. Johnston's town-folk, due civility was displayed by the authorities, and an entertainment provided. Conviviality was prolonged, and at daybreak next morning the unfortunate officers were roused from deep slumber by cavaliers at their bedside, to find

themselves prisoners, and the town at the mercy of Clavers!

Their consternation was milder than would have been that of modern Scotsmen, taught to believe such a quality non-existent. They ventured even to utter some remonstrance when led into his presence, but were sternly answered in allusion to Balcarras: 'You take prisoners for the Prince of Orange, and we take prisoners for King James, and there's an end of it!'[1]

This was on Saturday the 11th, at two in the morning. Athol's steward, in charge of Blair Castle, the key to the Lowlands, had welcomed instead of excluding Dundee. Starting from Blair on the 10th, the cavaliers had swooped down upon Dunkeld at sunset, overpowered an armed band engaged in collecting the taxes of the district, and seized the money already paid in. From thence in the gloom of night they had forded Tay, rushed down on Perth and effected a complete surprise. Arms and horses were seized, and here also Dundee required that public treasure should be delivered to him. Collier relates that a sum of five hundred pounds (Scots?) in private property chancing to be 'in the Collector of Revenue's room, he did not touch it, but said 'he intended to rob no man, but what was the Crown's he thought he might make bold with, seeing what he was then doing was purely to serve his Master.' By 11 A.M. his force had quitted the town in peace, after publicly striking off the golden oranges that adorned the new standards they had captured. In one of his own despatches it is mentioned that during this raid on Perth 'the Viscount caused

[1] Records of Parliament, 1690. The words were heard by Lieutenant Colt, one of the captives.

seize the drums and baggage of the Laird of Dun, and other the Earl of Mar's officers, and chased the lieutenant-colonel and might have seized whole companies but was not at the pains, yet frightened and scattered them so that they have not been heard of since.'

The Earl of Mar, whose weakness disconcerted the Stirling arrangement, died in that month of May.

Viscount Stormont entertained Dundee and his cavaliers at dinner on their exit from Perth. He was summoned to Edinburgh for resetting a traitor, and pleaded that Clavers had taken his dinner by force; an excuse eventually allowed to pass, though Stormont's good-will in the matter was never doubted. From Scone the march was resumed that afternoon to Stobhall, a house belonging to Chancellor Perth. Here the Viscount levied contributions of money and arms in the King's name. Next day, Sunday, May 12, he had reached Glammis, where, desirous possibly to compromise a secret partisan as little as might be, he reposed his wearied troopers after their tremendous march on the greensward before the house, but forbore to seek admittance. Revenue was again collected, and that night he reached Glen Ogilvie, whither, if the old Memoir writer be correctly informed that they met on this occasion, the Viscountess had already removed from Dudhope. Clavers's well-nursed estate was early bespoken by Hamilton's brother, Marquis Douglas, the 'fause love' of 'Lady Douglas's Lament.'

On Monday 13th the Burgh of Dundee was startled by news of its Constable's approach. Some newly raised levies of horse that were camped outside under Lord Rollo came scurrying through the gates to tell that the Law was crested with cavaliers. Confusion reigned for some

hours. Mackay, who in his 'Memoirs' does not seem fully acquainted with the real sentiments of Kilsyth, blames that officer for not leading out the dragoons to overpower Dundee at once, they being much stronger. A detachment of them, however, including Creighton and perhaps a majority of the active plotters, had started just before to join Mackay himself, and the resolution of the town magistrates in closing the gates was unresisted by the remainder. They clamoured loudly to be led forth against the enemy, but did not venture to attempt a passage for themselves against orders. Three hundred armed citizens are said to have been waiting in concert with them to unite with their Constable when once beyond the gates, had offensive action been enjoined. Balfour, the new Orange officer, was not without suspicions of his comrades, and by his advice, most likely, the magistrates prevented their too close contact with their former leader. Barricades were thrown up, cannon mounted on the walls, and civic records bear witness to large expenses incurred by that day's alarm.

Increased though it was to nearly a hundred by local volunteers, Dundee's troop was of course incapable of forcing an entrance where surprise was precluded; but he used every effort to tempt within reach the men whom he had reason to believe sympathetic, manœuvring his horsemen close up to the town. Towards evening a last endeavour, unsanctioned by the Viscount, says the standard-bearer, resulted fatally. A group of impetuous young cavaliers challenging too closely by discharge of pistols 'drew fire' from the walls, and one of them sank to rise no more. 'First blood' was drawn in a short and sanguinary

campaign. Once more Dundee advanced in line of battle, believing the firing would be followed up by a sortie, but none ensued, and at nightfall he drew off again to Glen Ogilvie.

An impression has prevailed that Clavers plundered the town of Dundee. That he never entered it in hostile guise is certain. His seizure of taxes at Perth and Dunkeld evinces sufficiently that he would demand King James's revenue in King James's name, wherever his power extended. A passage in Fountainhall's 'Decisions' shows that he had done so during his stay at Dudhope.

'December 8th, 1696—Philiphaugh reported Mr. David Threipland against the Marquis of Douglas, donator to the Viscount of Dundee's forfeiture for declaring Clavers's estate liable for the sum of 1400 pounds Scots he violently took from his Collector of Excise when he entered Dundee in 1689.—Alleged for the donator, that this was a debt contracted after Clavers was in open rebellion, &c.—Answered, if it had been voluntarily lent, they not only deserved to lose their money but to be demeaned as serving traitors.——The Lords found the Viscount's estate affectable with this debt.'

An obvious motive is here supplied for assertion that the town was 'plundered violently' of dues levied under ordinary formalities.

Mackay, all this time quite unconscious what was become of his adversary, was labouring with very imperfect success to undo what the presence of Dundee had already effected in the north, but found few who would enter into positive engagements either of assistance or neutrality. He admits repeatedly in his correspondence that almost all the country 'benorth

Tay' inclined to his opponent and would favour him openly on his first success. He consequently wrote to hasten up Colonel Ramsay with six hundred regular troops of the Scots-Dutch regiments, bidding him take the shortest route, through Athol and Badenoch. Ramsay endeavoured to obey; but, misled by the Athol Highlanders who intercepted for Dundee Mackay's messages, he was turned back, and junction was delayed. English troops were hurried up to Perth, after the raid on that district, but in vain. Clavers returned not by the way he came.

To keep tryst with his Highland allies on the 18th, after time lost in endeavouring to attract the dragoons, he now set out upon a cross march such as Montrose alone would have thought of before himself—from Glen Ogilvie by Cupar-Angus to Dunkeld; then to Castle Menzies, Comrie and Garth. Plunging into forest and wilderness he made straight for Loch Rannoch, and beyond its woods emerged upon the Inverness road. Here he apprehended that Mackay, slowly following the southern excursion he had just completed, might waylay his return, but no enemy appeared. Through still wilder desolations the journey was resumed. How many days it occupied, the standard-bearer does not inform the reader of his 'Grameid.' It is plain that a nearly direct line to Lochaber had been kept. Under Clavers it is very sure that no practicable alleviation to the sufferings of the horses had been neglected, yet many of them foundered in the morasses, or slipped over precipices. The epic poet was himself dismounted, and carried his saddle onward on his own shoulders. High at Loch Treig was the last bivouac; and from it the cavaliers arose at dawn benumbed by frost, their

'matted locks stiffened into lumps of ice, with long icicles depending from their shaggy beards.' Upward still from that inhospitable mountain tarn, over the craggy skirts of Ben Nevis, 'where never human foot-fall had been, nor horse's hoof struck an echo before,' they passed on to Lochaber, and were welcomed eagerly by Locheil.

Mackay, by Tarbet's advice, had been empowered to buy off the principal chieftains whom Dundee had gained, it being supposed that he had no other hold on them than their fears of pecuniary liability to Argyle. Locheil handed his letters unopened to Dundee, Glengarry returned an ironical answer, whose source may be imagined, recommending to Mackay General Monk's example for imitation.

Most part of the chieftains with whom Dundee had previously held communication were assembled at Locheil's house to meet him. A few, who were at irreconcileable feud with some of these, ignored his summons altogether. Two or three, ranking as peers of the realm, like Seaforth or Lovat, kept silence for themselves and connived at their clansmen's outspoken promises. A gathering of Highland gentlemen was held; Dundee's arguments wakened a blaze of enthusiasm. Fiery crosses were sped that night from hill to hill; and a single week saw him at the head of an army estimated by Balhaldy at eighteen hundred, but by Mackay, who was for some days inconveniently near it, at three thousand, claymores.

They mustered at Dalcomera, a lofty plateau, whence the shores of Ireland are visible. Macdonalds of various septs, Camerons, MacLeans, Stewarts, MacNeills, and MacLeods with their respective chieftains; and Grants

and Frasers who came without and in spite of them, are enumerated in the 'Grameid.' The poet's descriptions are picturesque, and it is noticeable that the chiefs wore armour, helmets, and gold lace—decorations which would now be reckoned incongruous with tartan—and that many of them rode on horseback. From his paraphrase, a novelist might condense some likeness of the addresses by which Dundee animated them; but for historical purposes it is not available. It was determined to march immediately against Mackay, and drive him back over the Grampians.

By May 26 the Highland force had reached the neighbourhood of Ruthven Castle in Badenoch. Here Mackay had placed a garrison, and here he expected Ramsay to arrive by that date. Had the latter been accurately punctual, he might, Mackay says, have slipped past safely to Inverness. Informed as he came through Athol that the Viscount was before him in his path in great strength, Ramsay dared venture no farther. He blew up his ammunition in fear of its advantaging an enemy whose hot pursuit he anticipated, and, thus disencumbered, he retreated upon Perth.

Dundee was now interposed between the two armies of the Convention. Reinforcements, however, were preparing to move towards Mackay by a more easterly route, and that general in his Memoirs imagines his opponent to have been unaware of these, or culpably negligent in not cutting them off from him. His first conjecture may be well grounded. Report exaggerated Mackay's numbers; and Clavers, in constant expectation of material assistance from Ireland, was unwilling to fight till his signed commission should formally justify him. He writes to Melfort:—

'I shunned to hazard anything for fear of a ruffle: for the least of that would have discouraged all. I thought if I could gain time and keep up a figure of a party it was my best till we got assistance, which the enemy got from England every day. I have told the King I had neither commission, money, nor ammunition. My wife, and my brother-in law, Auldbar,[1] found ways to get credit. For my own, nobody durst pay to a traitor.'

While awaiting further reinforcement he established a camp in an inexpugnable position, and celebrated May 29 for his men's encouragement with a huge bonfire of pine-trees, and prophecies of a renewed Restoration. Ruthven Castle was summoned to surrender; and, on refusal, Keppoch was directed to assail it. The ditch being filled with combustibles, Captain Forbes, who with sixty men occupied it till Ramsay or Mackay should come up, agreed to yield in three days' time should he be unrelieved by either. Dundee, secure that no relief could arrive, acceded to the terms; and Keppoch burned the castle as soon as it was evacuated. Forbes, who had stipulated for leave to march away freely, was brought into camp through some mistake by his captor, and honourably dismissed thence by Dundee.

Balhaldy, while ascribing to principle this rigid adherence to promise, yet charges it on the Viscount as the sole error of military conduct he committed during the war. Mackay's troops, still hoping to meet with Ramsay, whose retreat they had not learned, were now within a few miles' distance, encamped at Culnakill; and each army, fancying the other unconscious of its neighbourhood, was hoping to effect a surprise. Through

[1] Married to his youngest sister.

Forbes's liberation after he had viewed the strength and situation of the Highlanders, there might result discoveries more serious than any concerning their fighting capacity. To explain these it is necessary to go back a little in Mackay's narrative.

CHAPTER XXV

1689

Plot of dragoons discovered—Rapid marches—Incidents—Dreadful discipline—Plunder of Edinglassie—Successful retreat of Mackay, and arrest of Kilsyth and his accomplices—Counter-marches—General Mackay

CONSIDERABLY strengthened in numbers by eight hundred of Grant's men, and particularly in horse by reunion of the whole of Livingston's dragoons and part of Lord Colchester's, Mackay had advanced within view of Dundee's leaguer, and finding it unassailable had drawn off four or five miles, when two deserters appeared in his camp. They had been persuaded by the Lairds of Blair and Pollock, Dundee's prisoners, to go and inform him of the plot of the Scots dragoons. He imagined at first a ruse on Dundee's part to deprive him of confidence in his cavalry, and induce him to sequestrate that arm of service which the Highlanders dared not face. The men submitted to imprisonment till time should prove their words, on promise of reward or punishment accordingly, saying that Dundee had declared himself sure of the dragoons, but that it was not yet time to call them, being more useful to him where they were; and that they had seen him read letters from his lady to the same purpose.

Whether or not Captain Forbes acquired information on this topic during his temporary sojourn in Dundee's camp, he entered Mackay's entrenchment the master of a suspicious incident. Within a mile of the leaguer he had left he encountered two soldiers, one wearing a blue, the other a red, uniform, who challenged him in French, 'Qui vive?' On his responding, 'Vive le Roy Guilleaume!' the man in blue told him they had been sent out as intelligencers. He warned them that they were close on the foe, and in hazard of capture; but they went on notwithstanding. Mackay, who had sent out no scouts that morning, made inquiries and became convinced that the man in blue was on an errand from the Scots dragoons. Uncertain how far the treachery extended, Mackay no longer dared to risk a battle. Separating the dragoons into several bodies, and interposing well-affected troops between them, he broke up his camp and commenced retreating down Strathspey.

Dundee most likely became cognisant about the same time both of Kilsyth's extreme peril and of the share which his prisoners, no less than Captain Forbes, had in creating it. He had allowed the former to go at large about his camp on parole. He had preferred a point of honour to prudent consideration for his friends in the instance of the latter. The mischief done could be repaired only by forcing a conflict wherein his endangered sympathisers might find opportunity to coalesce with him at once; and on the flight of Mackay his pursuit immediately followed. At an ever-accelerating pace the two armies swept down the valley of the Spey, through the forests of Rothiemurchus, and Abernethy, over the haughs of Cromdale and the steep ridges of Ben Rinnes, the van of one sometimes pouring shot upon the rear of

the other. Thrice in one day Mackay broke up his chosen bivouac, and forced his wearied men onwards. Dundee's trumpets rang in their hearing, 'The King shall have his own again,' and once his cavalry approached so near to a section of the Scots dragoons that a cavalier named Bruce, formerly a captain among them, exhorted them from the top of a rock to remember their old loyalty. Mackay's troops found time neither for repose nor for sufficient food, and the Highlanders, following their track through an exhausted country, must have suffered still more severely.

On an early occasion Keppoch detached himself to burn the Castle of Dunachton which belonged to his private enemy, MacIntosh, ravaging with great barbarity the surrounding country. MacIntosh, though he hung back from King James's muster of troops, had not yet declared for King William. Dundee perceived the flames far in his rear when it was too late to arrest them. Keppoch came in some hours later greatly triumphant with his booty. The moment presented itself which must decide whether Dundee's authority over the Highlanders was to remain precarious as that of Montrose, or to be established by personal ascendency. In presence of all the chiefs, 'he told Keppoch,' says Balhaldy, 'that he would much rather choose to serve as a common soldier among disciplined troops than command such men as he, who seemed to make it his business to draw the odium of the country upon him.' Anticipating in retort a menace of departure, 'he begged that he would immediately begone with his men, that he might not hereafter have an opportunity of affronting the general at his pleasure, or of making him and the better disposed troops a cover to his robberies.'

More than half Dundee's followers were Macdonalds, likely enough to back up the offender; but Keppoch, taken by surprise, asked pardon humbly, and protested that 'neither he nor any of his men should at any time thereafter stir one foot without his lordship's positive commands.'

Friction was suspended on questions of plunder by entrance into the Grants' country, where the cattle of avowed enemies was fair prize of Highland war. Mackay had released his Grant allies that they might drive their herds to secret fastnesses; but Keppoch was so successful in bringing the animals into camp that Dundee entitled him 'Colonel of the Cows.'

Another incident, associated by Sir Walter Scott with this stage of the campaign, is 'reported' in the pages of Dalrymple only. That Dundee, commanding under great difficulties an irregular force, should have shot down 'in front of the army,' for a reiterated display of cowardice, a youth whose earlier frailty he had mercifully screened, is less morally incredible than Mr. Napier chose to consider it. That biographer's further objection that no two successive actions or skirmishes, at which cowardice could have been repeated in Clavers's presence, can be particularised, either then or during his previous career, is more conclusive; and the Draconian discipline which Dalrymple's anecdote is meant to illustrate finds no confirmation elsewhere. A preceding sentence, with which it is intended to contrast, rests, it may be, on no better authority, but shall be inserted in its company.

'In some of those marches his men wanted bread, salt, and all liquors except water, during several weeks, yet were ashamed to complain when they observed that

their commander lived not more delicately than themselves. If anything good was brought him to eat, he sent it to a faint or sick soldier. If a soldier was weary, he offered to carry his arms. He kept those who were with him from sinking under their fatigues, not so much by exhortation as by preventing them from attending to their sufferings. For this reason he walked on foot with the men, now by the side of one clan, and anon by that of another. He amused them with jokes, he flattered them with his knowledge of their genealogies, he animated them by a recital of the deeds of their ancestors and of the verses of their bards. It was one of his maxims that no general should fight with an irregular army unless he was acquainted with every man he commanded. Yet with these habits of familiarity the severity of his discipline was dreadful. The only punishment he inflicted was death. "All other punishments," he said, "disgraced a gentleman, and all who were with him were of that rank, but that death was a relief from the consciousness of crime."' Here follows the anecdote popularised in 'Tales of a Grandfather,' to which may be opposed, so far as concerns the Highlands, Balhaldy's incidental remark that 'though he *never punished* delinquents, yet he used such artful methods as soon made them very observant of his orders.'

'Earl Dunfermline stays constantly with me,' wrote Dundee to Melfort, at the end of that month; 'and so does Dunkeld, Pitcur, and many other gentlemen, who really deserve well, for they suffer great hardships.' His own share of suffering is no otherwise indicated. Mackay got over the Bogie at last into a plain country where his succours awaited him. He had gained ten

miles in the darkness, after Dundee's vanguard came up with his rear at nightfall, put 'a very ill pass' between himself and his pursuers, and stopped at four in the morning because horse and foot alike could literally go no further. Dundee's men were in no better case. 'The Viscount fell sick; which gave boldness to the disorderly, and disheartened others.'[1] He was too cautious to attempt a passage which a handful could defend against him, while the remainder of his foe escaped. Dundee halted at Edinglassie to refresh his followers. No scruple was felt about plundering that demesne, since its owner, Sir George Gordon, Sheriff of Banff, was actually with Mackay's army. On the second day, Dundee was informed that Sir James Lesly with a regiment of foot and Barclay's dragoons had joined Mackay by way of Fettercairn. False news that the expected aid from Ireland (which really had not started) was beaten back, and that the Duke of Berwick in charge of it was taken prisoner, accompanied the reinforcement. Some Scots dragoons hastily imparted the tidings to Dundee, averring further that they were now so watched and surrounded, 'they could not shun to fight,' and that Mackay was become strong enough to turn upon the Highlanders. Not yet fully convinced of their own danger, the messengers hoped once more to rejoin their corps unsuspected; but they were captured in the woods of Edinglassie by Sir George Gordon himself, who returned with Mackay's army, to find the Highland force gone off in good order. A few stragglers lagged behind for booty, and were summarily dealt with, being strung up on trees in the park by the exasperated Sheriff. In the Laird of Grant's terri-

[1] Abstract of Despatch to Ireland.

tory, forayers were similarly despatched. The captured dragoons were too valuable to be made away with in haste. Their examination confirmed all the hints Mackay had already received; Kilsyth, whose own sergeant was one of the captives and had been the man in blue before mentioned, was arrested instantly with sixteen other officers and men. They were sent south, with a recommendation from Mackay that they should be tortured to discover if their plot had further ramifications in the army. A portion of the regiment shrewdly suspected of kindred proclivities was conducted to Inverness, and kept thenceforth out of Dundee's reach.

Back again to his entrenchment at Culnakill marched the Dutch Major-General, his enemy retiring before him in more leisurely fashion than the rate at which either had descended Strathspey.

A party of cavalry under Sir Thomas Livingston encountered about five hundred Highlanders, who, by seeking refuge on a high hill, escaped, says Mackay, 'with a loss of only about eighty or a hundred.' An English captain and six dragoons were killed and more wounded. If this be Mackay's version of a combat which took place with MacLean of Lochbuy at the hill of Knockbrecht, a cipher must have been added to the estimate of Highland loss; for the standard-bearer was eye-witness to Lochbuy's subsequent entry into camp, with captured dragoon horses and tokens of elation incompatible with severe damage.

Ramsay was also reinforced by this time, and set out again to join his general. Once more a plan to entrap Clavers between them was rendered futile by the Viscount's passing their point of junction ere they

could attain it. Neither party was very desirous to engage in pitched battle at present. Dundee had lost hope of rescuing the dragoons in conflict; and Mackay, after uniting with Ramsay, lingered for provisions till his scouts brought him in word that the Highlanders had dispersed. Why, if this account be correct, his now numerous host did not proceed into Lochaber, and effect its primary object of securing Dundee's slenderly guarded person, his narrative entirely fails to reveal. It is rather supposable that Dundee dismissed his followers when he found, by Mackay's retrograde movement on Inverness, that he had no further need to defend himself.

'The Prince of Orange hath written to the Scots Council not to fatigue his troops any more by following us in the hills, but to draw them together in a body to the west:' says Dundee in a letter of June 23.

The undignified endeavour to disguise his own failures, which is occasionally apparent in Mackay's writings (as for example his assertion that 'the enemy lost on the field six to our one,' at Killicrankie; with which may be considered his statement of comparative loss at Knockbrecht, just mentioned), is apt to provoke an under-estimate of the man. He had shown considerable ability in contriving to retain within his ranks the main body of his unwilling dragoons. His successful retreat down Strathspey when Dundee had him at advantage, argues him no mean tactician; and those who incline to disparage his generalship on account of a single terrible misfortune, should remember that an excellent foreign opinion, commenting on Churchill's military promise, alluded to the 'Experience of Mackay,' as if the skill thereby implied were equally distin-

guished and incontestable. With no despicable adversary had the Despot's Champion to contend in the last three months of his life. Mackay's correspondence and remarks both show him, however, to have been strangely perplexed by the preference felt for his rival in all the districts he traversed, and he may well have hesitated to involve himself deeply in a dangerous mountain region where that sentiment strengthened at every mile.

Balhaldy terms Mackay 'a very generous enemy,' adding, 'though he differed in politics and principles from the Highlanders, yet he always commended their valour and loyalty to their old master, and justly acknowledged the brave Dundee, their general, to be one of the best officers as well as the most accomplished gentleman of his time.'

Mackay's own memoirs and letters do not confirm this imagined generosity towards his opponents. To his own party he was a most valuable servant, and his death was heroically met on the field of Steinkirk, where an uncovenanted king was finally disembarrassed of the last Irreconcilables that had escaped the carbines of Clavers and the Council's edicts of banishment.

CHAPTER XXVI

1689

Highland army disbanded—Anecdotes—Letter from Mary of Modena—Letters to Melfort—Danger of Captain Creighton and others—Reprisals threatened—The Athol Clansmen—Struan—Letters to Lord Murray

So far was it from being true that assistance from Ireland had been beaten back in the beginning of June, that no attempt had yet been made to despatch any. To other historians must be left the reasons of delay. One consequence of it, Dundee's determination to disband his irregular force for a few weeks, was attributable as much to his financial position as to the character of his men. Without pay, subsistence for them was impracticable except by plunder, and he desired to avoid those reckless ravages which his predecessor Montrose had been obliged to permit. To his re-entry into Lochaber must be referred a striking anecdote by Balhaldy, rather oddly cited by a modern historian to show that Dundee regarded his men's predatory habits as a matter of course. Visiting his outposts in the dusk, he chanced to meet two fellows, each carrying a stolen sheep. He reprimanded them in sharp terms, and one of them, not recognising him, was so provoked at his threatenings 'that he satt down upon his knees,

putt his gun to his eye, and would have infallibly shott him dead, had not his comerade cryed to him to "Hold! for it was the General."' The conclusion of the story has been supposed to stamp the whole as apocryphal. Balhaldy, whose object is to illustrate the respect with which Dundee was regarded, continues, 'The poor fellow was so struck with the horror of his crime that he dropped down dead upon the spot.' His 'comerade's' expostulation might be more than vocal, and the word 'dead' in Celtic parlance be near akin to the Irishism 'kilt.' However exaggerated, the tale at least conveys actual impressions created by Dundee's behaviour.

'In the King's service he was liberal and generous to every person but himself, and freely bestowed his own money in bringing provisions to his army,' observes Balhaldy.

'Although a good manager of his private fortune, yet he had no reserve when your service or his own reputation required him to be liberal,' wrote Balcarras to King James.

His own resources were strained to the utmost, and the few hundreds snatched from Revolutionary tax-collectors must have been in a fair way of disappearing by this time. That his private property was previously unburdened signified nothing to his power of raising money when once he had been declared outlaw and traitor. Mary Beatrice of Modena, when his efforts in her husband's service became known to her, sold her jewels in France and sent, or tried to send, four thousand pounds to his relief; but it is unknown whether any of it ever reached him. He acknowledged to Melfort a letter received in Lochaber from her, but

feared it would be hard to bring the money from Edinburgh. He adds, 'I did not know the Queen had known anything of our affairs.'

While waiting, therefore, for supplies and regular troops from Ireland, which James seemed unwilling to send until the siege of Londonderry should terminate, he dismissed his followers to their homes and summer agriculture. Another reason may have been Locheil's dissent from a proposition of Dundee that the Clans should be taught something of regular discipline. The younger chiefs agreed; but their sagacious senior pointed out that, under good generalship, Highlanders had always prevailed against regulars by their native method of fighting, and Lochbuy's victory at Knockbrecht proved they could do so still; while if they lost confidence in it by essaying to learn another they would not be 'a straw better than other recruits.' Sir Evan Cameron of Locheil, commonly called Evan Dhu, or 'the Black,' stalwart, sage, and martial-looking, his grey moustache curling (says the 'Grameid') 'like the handle of a pair of tongs'! was equally in mind and aspect a typical Gaelic chieftain. Though he had not actually served under the banner of Montrose, he had sustained resistance to Cromwell's soldiery in fierce and deadly fray, and had once concluded a combat against desperate odds by a personal struggle with an English officer, in which, being undermost, and both his hands engaged, he tore open his enemy's throat with his teeth. He is also said to have killed the last wolf in the Highlands, although the entire extinction of the species may be questioned so long as himself survived to boast of that 'sweetest bite he ever had in his lifetime.'

He was sixty-three years old when at the above

discussion his arguments and long experience won from Dundee a deferential acquiescence in his opinion.

The Viscount, notwithstanding, drew over quietly to his experiment one of the juniors, Sir Alexander MacLean of Otter, commanding about 200 men. These had landed recently from Mull, and had not been familiarised with him by manœuvring in Strathspey. He retained this unwearied band as his own special guard; drilled them regularly, and by charging them in mimic warfare with his Lowland horse, cured them of the excessive dread of cavalry so prevalent among mountaineers.

On laying down the sword he took up the pen of a diplomatist, and showed himself at least as well qualified to wield it. 'Your Majesty's friends who knew him best,' writes Balcarras, 'were in doubt if his civil or military capacities were most eminent. None of this nation knew so well the different interests, tempers, and inclinations of the men most capable to serve you.' With members of the new Scots Privy Council he carried on intrigues, as we gather from Mackay. He had relations with other regiments in the Lowlands, as formerly with the dragoons. Unlikeliest of all, he negotiated with Breadalbane, the mighty head of a second division of Clan Campbell. For the last he seems to have felt internally the most lively contempt. Breadalbane's professions he knew how to take at their worth, and was quite aware that he would declare overtly for James only just in time to acquire credit for promoting an already assured Restoration. Till then, to quote Dundee's own phrase, he 'keeps close in a strong house and pretends the gout.' To purchase credit beforehand he might be led into measures which

would compromise him with his actual colleagues, and render him less useful to them. The 'Leven and Melville Papers,' p. 189, show that an adroit confidant of Dundee, being examined, acknowledged Breadalbane's promises to 'that enimie;' whereon King William's minister remarks, 'We are much abused here by false news.'

The Scots dragoon officers sent southward by Mackay were now in imminent peril, not only of torture, for which King William's warrant was granted, but of hanging. Some of them were well connected; but Sergeant Francis Provensal, the 'man in blue,' chanced to be a Papist, and had no advantages. Neither had Captain Creighton, a Protestant, but an Irishman. The latter tells a story to account for his deliverance, which Mr. Napier supposes to be of his own concocting. Viscount Dundee, he says, threatened, in a letter to the Duke of Hamilton, if Creighton were hanged, to cut the Lairds of Blair and Pollock joint from joint, and send them packed in hampers to the Council; 'on which they all cried, "Let the fellow live a while longer!"'

'What Dundee would not do,' remarks Mr. Napier, 'he would not threaten in the language of a butcher.' The language must be Creighton's own, since he could not have read the letter to Hamilton; and so must be the egotism which represents himself as the sole person concerned. It is harder to believe that Dundee would abandon men endangered by their trust in him, than that he would threaten, or be ready to execute, the common doom of traitors on gentlemen who, besides forsaking James, had virtually played, under parole, the part of spies. 'There is no hint of the threat in any

contemporary record,' pursues Mr. Napier. It is known at least that Dundee, on his return to Lochaber, sent his prisoners to a remote fastness beyond chance of rescue, where Blair died before the end of the war. And if Hamilton preferred the safety of his own relative to State advantage he might well elect to keep his motive for clemency in the background. Before proceeding to try the prisoners great anxiety was manifested to get the Laird of Blair (perhaps the more active agent in enlightening Mackay) exchanged. Balcarras, whose health failed under imprisonment, was repeatedly urged to invoke Dundee's compassion by letter. He tried; but his difficulty was that 'he had not stated himself of Dundee's party;' so that no fair exchange could be proposed.[1]

Judicial proceedings were delayed until, about the middle of July, further machinations were discovered, and officers of other corps were arrested in Edinburgh. From some of the plotters confessions were obtained sufficiently ample to afford excuse for dispensing with torture. Whatever the motive, all lives were spared, though imprisonment was indefinitely prolonged. Several noblemen—Oxenford, Stormont, Lauderdale, and Lord Maitland—were connected with this second plot. Lord Bellenden, says Oldmixon, escaped seizure by pistoling, with the reply 'Here's King James's pass to you!' a sentinel who challenged him at the Pleasaunce Port, and spurring through to the open country, from whence he went north to Dundee.

Edinburgh Castle, in despair of relief, surrendered on June 14, and set free Sir John Lanier and his blockading force. Moy, in Lochaber, was Dundee's

[1] *Leven and Melville Papers*, pp. 93, 141, 142.

headquarters during the latter part of the month; and thence he wrote those familiar letters to Melfort on the state of affairs which have been two or three times quoted, and on which it is unnecessary to dilate, since they have been repeatedly printed. His commission had reached him safely now, and he awaited supplies, and a strong body of horse. He desired that these should be sent by Inverlochy, where he believed the coast clear. He had spread reports, and above all had written to Lady Errol, in letters since intercepted, that King James's force was about to land in the south-west. Attention was accordingly diverted thither. That 'my Lady is taken prisoner' incidentally upon the interception by which deceit was accomplished does not seem to call for a word of regret, although he is writing to her brother. Perception that they had been misled would again draw the Orange armaments northward against himself and his new succours, and leave Galloway or Kirkcudbright free for the King's landing in strength, so soon as his power should be confirmed in Ireland. Londonderry barred the fulfilment of plans thus sketched. Several times it was reported to be taken; once Dundee professed solemnly to believe that it was so.

That Athol all this while 'did not know what to do' was the best description Clavers or any one else could give of him. His inclinations were suspected to be for James. He was in custody himself for a short time. His youngest son Mungo was a prisoner in Newgate among Jacobite mutineers. His second son Dunmore had refused to serve a usurper. Lord Murray, his heir, was married to Hamilton's daughter, and professed agreement with his father-in-law's political course. He

took great credit for preventing the Athol clansmen from uniting with Dundee, but whether he played into his hands eventually by secret intention or by maladroitness remains undecided. Ballechin, his father's steward, was completely devoted to the Viscount; and, to counteract his long-accustomed authority over the vassals, Lord Murray proposed to call them around his own standard.

Bidding farewell to his hospitable host, Sir Evan of Locheil, Dundee took up his quarters at Struan, six miles from Blair, beside the foaming Garry. The chief, Alexander Robertson, was a boy of sixteen, dwelling there with a widowed mother, and the Viscount was some weeks their guest. That his entrance into their home-life awakened in them some interest in the domestic conditions he had left behind is indicated by a letter from Paris, next year, written by the young chief to his mother, after an interview at St. Germain. 'Let me know what is become of my Lady Dundee. If she be in Edinburgh, go see her, and tell her the K— and Q— almost adore her.' The letter is directed to Dickson's Close, Edinburgh.[1]

Inactive he never was; but while sending out missive after missive to win neutrals, entice waverers, and confirm adherents; while inspiriting the men of Athol, and acquainting himself with every rocky path and ford of the district about to become a scene of irregular warfare, he may have enjoyed some bright summer days in the blossoming hazel woods of Garry with the yet unsophisticated boy-chief and 'the true MacLean' only a year or two older. Struan Kirk, where on more than one Sunday he must have been

[1] Napier's Appendix.

present, has been pulled down to build a larger edifice. Its foundations yet outline its old site, on a cliff overhanging the river, a little below the Salmon-leap of Garry. In 1715 an aged Episcopal clergyman, named Irvine, read out to Lord Mar and his officers the same sermon he had preached a few days before Killicrankie to the Lord Dundee. The Sunday before Killicrankie was spent at Struan; for on Saturday 19th, and Monday 21st, he dated letters thence. In prefacing his 'Memoirs,' 1714, 'an Officer of the Army' mentions that 'he took the Sacrament in the Church of England two days before he was killed.' On Thursday 25th, two days before his death, he wrote and sent a letter to Lord Murray, without any place of inditing mentioned; but a messenger to Blair must have started from some locality well within reach, like Struan, and although he was in Lochaber one night before the fight it is not likely a solemn religious service in preparation for imminent battle was held elsewhere than at headquarters.

The letters here alluded to are the last he is ascertained to have written.[1] There have been many differing estimates of Dundee's epistolary capacities, the most honourable being grounded on these and similar late productions, in which the writer endeavours to stimulate latent chivalry and at the same time allay apprehensions of failure. He tells Lord Murray on July 19 :—

> As I write now to your Lordship so I have done to all others I can reach with letters. I am sure, whatever evil befall the country, the King is innocent, and I have done my duty. I need tell you no news; you know all better than I do, who dwell in deserts.

[1] See concluding remarks.

He enumerates, however, several armaments King Louis was preparing, and continues :—

Schomberg knows not where to go for defence of England, and is not thinking of Ireland for all has been said. In a letter all written in the King's own hand I know we are to be immediately relieved. The Parliaments of England and Scotland are by the ears, and both nations in a flame. Use the time !

I am, my Lord,
Your most humble servant,
DUNDEE.

Receiving no answer to this, the Viscount, on the 21st, commissioned Ballechin, the steward, to hold Blair Castle for King James, even against its owner's heir; and thus avowed to Murray his reason for doing it :—

My Lord,—Since writing my last, I hear Ballechin has obeyed the order I gave to possess that Castle of Blair for the King. I hope, since it was in obedience to the King's authority, you will not blame him. Your Lordship will see that it hath pleased God to put me in that condition that your Lordship or any declares for the King will not need to fear. So for God's cause, do now what you ought !

He breaks off without signature.

Again, next day, July 23 :—

It was no distrust of your Lordship made me take possession of that Castle of the Blair ; but that I heard the rebels designed to require you to give it up to them, which would have forced you to declare before the time I thought you designed. I thought it would oblige you, to save you from that *lâche* of either delivering up, or declaring.

CHAPTER XXVII

1689

Opinions of King William's Ministers—Proclamation of reward for Dundee, dead or alive—Argyle and Mackay propose to enclose him between them in Lochaber—Blair Castle—Components of Mackay's army—His march on Blair—Highland Council

As weeks wore on, King William's Government became gradually possessed with an agreeable opinion that Dundee's followers were 'dissipat,' and that he could do no further mischief.[1] On July 2 Hamilton is less sure of it. 'We have accounts this day that Dundee is still in Lochaber, and has the Clans in readiness to join him when he calls them, and that he has got some new commissions from the late King James. However we are, on Mackay's desire, sending the Earls of Argyle, Glencairn, and Eglinton, with their regiments, and his troop, and my Lord Angus' regiment, and Grubbet's troop and two troops of dragoons to Argyleshire, and from that, if the Glen Camerons go north, to fall in to their country, for we shall never be in quiet till they be reduced and a garrison put in Inverlochy.'

July 4, Master of Stair writes: 'There are three thousand going with Argyle. Their pillage will be so sweet, and his interest in the matter, that they will not

[1] Master of Stair, June 18; *Leven Papers*, p. 64.

fail of this employ. These, with Mackay, will never see an enemy, and there will be no difficulty to make that fort at Inverlochy quickly. I think there is little fear of invasion.'

Again, Sir James Stewart, July 11, has news about Clavers, 'that he is again almost evanished; scarce two hundred with him, and these in great want of all things.' Two days later the same writer heard it 'reported this afternoon there are fifteen hundred Irishes landed in Kintyre.' Earl Crawford on the 18th is 'in no such fear we suffer from Dundee and his associates as from the national discontents at our procedure.'

The 'fifteen' hundred Irish were but four; and Dalrymple of Stair, on the 20th, writes: 'This success from Ireland is of no importance. Our preparations are so long, I fear the Clans shall, partly of inclination and partly of force, have joined Dundee; but I cannot think they can stand Mackay's men.'

July 24 he resumes: 'We have never had any account now this fortnight that these Irishes are landed in the main land. Some ground there is to believe they returned with their officers when they found Dundee had no forces with him. However, I do not think there can be any great danger in that business; though indeed our Captains have shamefully deserted their charges. Belhaven only is gone with Mackay.'

It was early in July that Lord Strathnaver, eldest son of the Earl of Sutherland, and husband to Lady Jean Cochrane's sister Helen, being captain of a regiment at Inverness, wrote by authority of his general, Sir Thomas Livingston, to Dundee, urging his submission in imagined extremity to the new Government, and conditionally offering patronage and protection. An

adroit and courteous answer, wherein a point is scored with every line, returns the compliment; Strathnaver being left to judge which is most in danger on the implied eve of a Restoration. On July 18, when Strathnaver's letter of the 3rd might be supposed ineffectual, a proclamation was issued, offering a reward of eighteen thousand merks, or one thousand pounds sterling, for Dundee, dead or alive; 'which may probably "cach" him, who must be in the power of the Clans,' remarks the Master of Stair, July 24. Indemnity was promised to any who should deliver him up, 'for all Crimes committed before the performance of that Service, even though the Persons that shall Apprehend him have been in open Rebellion and in Correspondence with him.' Among the gentlemen 'intercommuned' and denounced as traitors for their association with him are the Earl of Dunfermline, Lord Dunkeld, his brother David Grahame, and his kinsman of Duntrune. Several names of note that should be on the list are omitted; as David Earl of Buchan, Lewis Viscount Frendraught, and Sir Archibald Kennedy of Colzean, though these escaped not eventual consequences.

Mackay reached Edinburgh from Inverness the second week in July. He pressed the Council and Parliament to furnish him with ample supplies; and towards the end of the month set out with about four thousand men, including three troops of horse, to make sure of Blair Castle, and beat every covert of the wilderness for Clavers, while Argyle guarded the other side of it. If he missed him at last, Lochaber should at least pay for harbouring him so long.

Apprised of Mackay's northward movement, Dundee summoned a rendezvous of the loyal clans for Monday,

July 29, to defend Blair and keep open his road to the Lowlands. His letters to Lord Murray remaining unanswered, he sent with the last two messengers—Major William Grahame of Boquhapple,[1] and Gilbert Ramsay, a young lawyer who had taken arms. These envoys were refused admittance by Lord Murray. Their repulse was published to the clansmen by themselves, and the vassals accordingly demanded an explanation from their chief. If he mustered them for their ancient monarchy, they would serve him heartily; if he wished to direct them against Dundee, they must disobey. Receiving no satisfactory answer, they dipped their bonnets in the streamlet of Banovy, drank the King's health in water, and marched away over the hill. Of fifteen hundred, 'the best men of war' in the Highlands, about three hundred lingered with Murray, who had sent already to hasten up Mackay, and demand cannon or mortars to burst open the gates of Blair. Waiting no longer for two more regiments of cavalry that were expected to overtake him, Mackay advanced by Perth and Dunkeld. His numbers should have amounted to five thousand. He reckons them at less than four, having left several corps in rear rather than retard his expedition. Half of these might be accounted well-disciplined soldiers; a fair proportion were veterans of continental war—'troupes so carefully trained for the trade as they were.'[2] It was not till after his defeat that he called them raw youths. The Dutch brigade

[1] Afterwards engaged in Sir John Fenwick's plot. He became a convert to Romanism under extraordinary circumstances, related by Dr. Doran in *Knights and their Days*, and died a monk of La Trappe.

[2] Mackay to Hamilton, July 29, 1689.

consisted of his own, Ramsay's, and Balfour's regiments, and was more to be feared than any in the estimation of Dundee's Lowland followers. From its ranks, however, foreigners had been removed as far as possible in anticipation of British discontent, and their places filled up within a few months past. Hastings's regiment was composed chiefly of trained Englishmen. Leven's and Kenmuir's battalions were new Scottish levies from among the Westland peasantry, hearty in the cause, yet less subordinate and steady than if their temper had disposed them to passive obedience. There were some pieces of cannon intended to bombard Blair, and two troops of horse under Lord Belhaven. Twelve hundred baggage horses completed the list. The artillery, of leather, lined and hooped with metal, could be of small value; the horsemen, on whom great reliance was placed, proved of still less. Lords Ross and Annandale had offered, on the excuse of Parliamentary business, rather to resign their commissions than accompany the expedition. It has been remembered in modern times that Ross had been comrade and friend for years to the man against whom he was called on to fight. It has been forgotten that Annandale, just before the Revolution, was appointed in Lord Airlie's room to the fifth troop of Clavers's regiment. How many of that band, in despair of profitable employment under their old Colonel, may have followed their captains, is unknown; but it is to be supposed that some did so. William Cochrane of Kilmaronock, Dundee's brother-in-law, commanded under Belhaven in Lord Ross's absence.

Blair Castle being thus immediately jeopardised, Dundee went in person to antedate the gathering of his brave adherents in Lochaber. Sir Evan Dhu of Locheil,

with only half his warriors in hand, responded to his call. Glengarry's clan and other branches of Macdonald were equally expeditious; and the small instalment of Irish aid from which such great things had been expected joined the Highlanders after they had set out for Blair. It has been generally believed that all the stores sent from Ireland had been lost *en route*; but the Duke of Hamilton mentions only a capture of two small vessels with provisions, letters, and commissions. Ammunition in some quantity must have surely arrived somehow, or even the brief firing at Killicrankie remains unexplainable. At the end of June Dundee had not twenty pounds of powder.

Early on the morning of Saturday the 27th Lord Murray met Mackay, who had just come up from Dunkeld, at the opening of Killicrankie Pass, near Fascally, a scene which few tourists are likely to forget. Unrivalled beauty of drooping birch-trees, woodland, and embracing rivers that sparkle in sunshine where they meet, deepens in perspective into appalling savagery and gloom as grand mountain ridges close up the narrowing valley. Murray asserted that the defile was clear, and that he had left a guard of eighty at the other end to keep it so. Wisely distrusting these Athol men, the General sent forward a reconnaissance of two hundred fusiliers and two hundred of Leven's foot, while his main body rested and refreshed itself. No alarm ensuing, at noonday the passage of that dark ravine commenced in earnest. At the narrowest part of the glen, about halfway through, tradition tells that a shot fired across the river woke the first echoes of the rocks and struck a horseman from his saddle close by a tiny runnel called thenceforward 'Well of the Trooper.'

Thickets so tangled as those which clung to the opposite precipice might conceal any number of sharp-shooters; but silence returned, and no other tragical incident occurred before Mackay's column debouched upon the plains of Rinn Ruarigh, or Urrard, in full view of purple Ben-y-Gloe. Here in a corn-field he ranged his men in line as they came up, and gave permission for repose that was speedily interrupted.

At what distance from Blair the Highland army passed the night of the 26th is uncertain. An alarm and pretended attack delivered by Lord Dunfermline at Dundee's bidding, to try the temper of his men, is allotted to that night by Balcarras. Balhaldy says it occurred weeks before at Edinglassie with satisfactory result. Blair Castle was reached in the forenoon, and here the claymores congregated in martial preparation. Bitterly they were chagrined, after long endurance of privation, at the appearance among them of ragged Irish peasants without provision, and of a few useless Saxon officers without even horses, as alone representing King James's promised aid. Not a murmur of distrust was raised against Dundee. They recognised that his disappointment was more poignant than their own, and cheered him by their unfaltering spirit. Eighteen hundred Highlanders were all that had time to assemble. Irish and Lowlanders might make up four hundred more irregular infantry, and of gentlemen and troopers hardly more than forty retained effective chargers.

At Blair a Council of War was held. Opinions were given for and against immediate conflict. Locheil's advice was to fight at once, while the Clansmen were in heart and eager for blows, though the odds were three to one. Dundee's looks seemed to brighten while the

old chief was speaking, and he told the company they had heard his own sentiments from the mouth of a person who formed his judgment upon long experience. Balhaldy represents throughout a prevailing impression of his kindred that Locheil was the Viscount's mentor in Highland war. Doubtless the terrible Glengarry, who slew two men on either side as his broadsword swept from right to left that evening, and whose jealous resentments had taxed the patience both of Sir Evan Dhu and his commander, believed himself regarded as a right hand. He was placed next the Royal Standard that day, and every other chief could probably feel that some flattering preference had been delicately insinuated to himself alone.

If even Mackay's Scots brigade was composed but partially of veterans, it must be remembered that among the Gaelic tribes no warrior that had served Montrose could be younger than Locheil, whose years surpassed three-score. In words recorded by Balhaldy to have been spoken at that Council, the Highlanders are described as being but 'raw, undisciplined troops who had never seen blood, besides that they had been wasted and spent by want of provision, discouraged by their late disappointments, and the remainder of their strength drained off by a long and fatiguing march.' Their one qualification for success lay in the glowing confidence with which their leader had inspired them. Their assembled representatives knew that on his continuance among them depended all their prospects of success, and Locheil again became spokesman.

'My Lord,' said he, 'I have just now declared in presence of this honourable company that I was resolved to give an implicit obedience to all your Lordship's

commands, but I humbly beg leave in name of these gentlemen to give the word of command for this one time. It is the voice of your Council, and their orders are that you do not engage personally. Your Lordship's business is to have an eye on all parts and to issue out your commands as you shall think proper. It is ours to execute them with promptitude and courage. On your Lordship depends the fate not ouly of this little brave army, but also of our King and country. If your Lordship deny us this reasonable demand, for my own part I declare that neither I nor any I am concerned in shall draw a sword on this important occasion, whatever construction shall be put upon the matter.' Locheil was seconded in this by the whole Council, but Dundee begged leave to be heard in his turn. 'Gentlemen,' said he, 'as I am absolutely convinced and have had repeated proofs of your zeal for the King's service, and of your affection to me as his general and your friend, so I am fully sensible that my engaging personally this day may be of some loss if I shall chance to be killed; but I beg leave of you, however, to allow me to give one shear-darg (that is, one harvest-day's work) to the King, my Master, that I may have an opportunity of convincing the brave clans that I can hazard my life in that service as freely as the meanest of them. Ye know their temper, gentlemen, and if they do not think I have personal courage enough they will not esteem me hereafter nor obey my commands with cheerfulness. Allow me this single favour, and I here promise upon my honour never again to risk my person while I have that of commanding you.'

He consented, it is said, to render himself less con-

spicuous in fight by assuming the buff-coat of a common trooper.

Scouts came in to tell that Mackay was emerging from the Pass. To have stopped his passage through it would have been by no means difficult had Dundee sought to gain time. Dalrymple relates that in public he declared it unworthy of Gaelic courage to attack a foe at so great disadvantage; while in private he assigned reasons prudent and well-weighed for fighting in open field. One of these was the certainty that victory if achieved would be crushing when that dreadful gorge behind them was the sole path of retreat for the vanquished. It may be added that he knew well enough the moral effect of victory accomplished with inferior numbers to dare for it by preference. Once shattered, the force advancing to assail him could not be replaced for weeks; while on his side fresh allies, hurrying up to snatch at laurels reaped a moment too soon for them, would become emulously ripe for any deeds that mortals could essay.

CHAPTER XXVIII

1689

Preliminary manœuvres—Battle of Killicrankie—Retreat of Mackay—Letters of King William's Ministers—Death of Dundee—Concluding remarks

EARLY in the afternoon the fords of Tilt were crossed by Dundee's army, just above that river's confluence with Garry. A feint, which Mackay always seems to have supposed an actual advance baffled by his own tactics, was made of descending the valley by a terraced slope along the hillside. As this movement appeared to threaten him with flanking fire from high ground on his right, he wheeled his line upon the corps which formed his right extremity, as upon a pivot, and marched it straight up the brae. His rear-guard was scarcely clear of the gorge when this manœuvre was accomplished; which shows that Dundee's advance was timed exactly to fix him in position at the mouth of it. Hastings's regiment, coming up last, ranged itself on the extreme right. This post of imagined vantage had not been fully gained, when, from behind a higher eminence towards which his face was now turned, appeared a descending column. Moving along the heights as if to pass Mackay's centre and outflank him towards the ravine whence he had emerged, Dundee's

men rapidly deployed and ranged themselves in line of battle. Fearful of their getting between himself and the Pass, Mackay effected a flank movement in the direction whence he came up that morning, and his enemy then stopped nearly facing him. There was such numerical disproportion that the two armies could not lie parallel along the whole front of the greater. Mackay now out-winged his adversary by two battalions towards the south-east, and there can be little question that Dundee had betrayed him by a ruse into nearer proximity with the entangling gorge behind.

All baggage was left below in the rear, upon the corn-field where first the regulars had halted. The cannon were brought into position in the centre; the horse were ranged behind them with an opening whence they could issue on the instant when a well-delivered fire should disorder approaching assailants. Mackay rectified his front, and inspirited his men by exhortation. Then came a pause. To charge uphill would place the regulars at too great disadvantage; and, with westering sunbeams dazzling their sight, Dundee would not allow his men to attack. Bridling their ardour only to enhance it, he pointed out that nightfall would destroy every chance of rally for a disorganised foe in a wild and unknown country.

A dropping fire of musketry was exchanged; and marksmen on either side endeavoured to pick off the officers as they rode from one corps to another. Listeners in Mackay's army recognised the voice of Clavers as he issued words of command. The cannon thundered and sent a few balls among the opposing ranks, but were for the most part pitched too high, and ploughed up turf and heather unavailingly. Long

shadows crept slowly over rippling water and sloping brae towards Urrard. Nearly two hours passed thus.

Sixty Camerons ordered out by Dundee to take possession either of the mansion then entitled Rinn Ruarigh, now Urrard, or of buildings described by Mackay as 'some houses upon the ascent of the height where they stood,' made the first forward movement. They effected their purpose, but were dislodged by Major Mackay, the General's brother. Little notice was vouchsafed to this minor struggle, which was uncompleted when the sun's rim dipped below the western range of hills, and a cheer of exultation rolled from clan to clan as they recognised the moment which gave reins to their pent-up fury. Echoes replied from crag and caverned precipice, but from the opposing scarlet line beneath them an answering shout rose feebly on the air. 'They are doomed!' cried Locheil, 'that dying fall is ominous of death.'[1] From the highest ground near Blair down upon Mackay's left, moved first 'the true MacLean and his fierce men.' Clan after clan successively took up the impulse, in separate bodies and in open order, the pace quickening to a rush although their bravest and noblest were mown down by deadly volleys from each regiment as they came within close range. One half of the Camerons fell while descending the slope at Dundee's left side, and Clan-Ranald on his right suffered scarce less severely. Firing but once themselves, with small effect, and flinging down their muskets, they swooped upon their foe claymore in hand, each man a Berserk for that hour. Calling his cavalry to a counter-charge, Mackay per-

[1] Such was the purport of his speech, a little longer as recorded by Balhaldy.

ceived Dundee, whose centre had been opened out by stretching his wings till it consisted only of the few mounted cavaliers, coming down in person with that small party upon the artillery. Belhaven led forward the hundred and fifty horse who should defend the guns; they recoiled, discharged their pieces at random: 'renversed' upon Kenmuir's battalion, and galloped through it in confusion. Lord Leven's terrified charger carried its rider off the field in his own despite; and Mackay, who had spurred through the assailing ranks, looked back to find himself almost alone upon the field. Two-thirds of his army, 'in the twinkling of an eye,' had been hurled down the brae, and were perishing by massacre.

The misfortune of Kenmuir's division, which came within its general's range of eyesight, was a sample of what must have happened elsewhere along his line. Each regiment, as it crumbled, in part slipped over the kank, and in part fled laterally along its brow. Each regiment, after the first, sustained the impact of a disorderly mass in flank at the same instant when it was assaulted in front. The charge had been not merely a direct rush downhill; it had been a scythe-like sweep of Dundee's right wing against Mackay's left, whirling the fugitives down to the river's brink, and back to the Pass which their struggling crowds soon choked, and where they encountered the Athol men 'mor creuell than the enimy.' But on the rising ground in that direction Hastings's regiment, as before observed, had been posted to outflank Dundee. Superior numbers had made that object easy to effect, and there the English regiment remained, as first placed. It had in fact been beyond reach of the wave that swept away its

fellows. In the centre, where Dundee's corps were most widely separated, another division had been left almost untouched for want of men to assail it.

Mackay drew Leven's men, about half of whom thus remained standing, towards the battalion of English that continued unbroken on his extreme right; and despatching his nephew, who joined him sorely wounded, to collect other runaways, he examined 'a garden which was behind' to see if it were defensible. He perceived a party forming at some distance as though to attack him; and turned to the river, which he forded; then, favoured by deepening twilight, he led his disorganised remnant over the hills on the other side, and effected their escape to Stirling by night and day marches.

News of his defeat came like a thunder-clap from a summer sky upon the placid confidence pervading Melville's correspondence. Not more than seven hundred men reached Stirling with Mackay. Five hundred became prisoners. Mackay's brother, Brigadier Balfour, several captains, and other officers, were left dead upon the field. Stores, ammunition, baggage, were entirely abandoned to the victors. Even these terrible tidings were exaggerated in reports spread by a few straggling fugitives who first threaded the Pass, and regained Dunkeld.

'Mackay is either killed or taken, by all the accounts we have yet got,' wrote the Duke of Hamilton to Lord Melville, July 28. 'My humble opinion is, his Majesty must first beat Dundee and secure this kingdom ere he attempt any other thing; and now Dundee will be master of all the other side of Forth, where there are so great numbers of disaffected to join him. So the King must

make haste to assist us to reduce him, for I fear we shall not be able to defend this side of Forth long, and the King will know what new men is, after a ruffle given.'

Sir William Lockhart, on the same day, doubts not 'but the Major-General, Ramsay, and Balfour, with all the officers of the regiment that were there, L. C. Lauder only excepted, are cut off. . . . All we can now do is to entreat the King will send force with all expedition here; for we have nothing to hinder Dundee to overrun the whole country.'

The Master of Stair thinks 'the other side of Tay is lost, and Fife is in very ill tune. The Lord help us!'

Next day Hamilton resumes: 'We have got no notice of Dundee's motion since the action, and we fear all Perthshire and Angus will be in arms for him presently. So what action the King takes should not be delayed, for if he carries Stirling he has all Scotland!'

And Sir William Lockhart entreats Melville to 'use your interest with the King as you would avoid the ruin of your country to send such force here, as with what of honest men will join them, may all at once extinguish this flame. I have spoke with L. C. Lauder who says except the Dutch dragoons and some other such force he does not see how it can be done.' The Parliament had 'appointed a committee to consider of it till tomorrow at ten o'clock. For what I know Dundee may be at Stirling by that time.'

In response to these and like appeals 'his Majestie not only ordered the Dutch and English forces that were in the North of England to march into Scotland, but also a considerable body of those forces that were at

Chester, who were to go for Ireland.'[1] Also 'his Majestie had ordered the persons of quality that were in prison with you should be sent here to London.' Writing of the last days of July, Balcarras remarks 'Though all Liberty was discharged us of seeing our friends, yet we never had so many Visits of our Enemies, all making Excuses for what had passed.'

On July 30, Duke Hamilton saw letters 'from sure hands that Dundee was killed in the action.' A little after he had certain accounts that Mackay, with several others said to be killed, was come to Stirling.

'This joy to us is like a victory!' remarks the Master of Stair.[2]

Mackay, who for some days after the battle knew not that his adversary had fallen, afterwards took credit to his own corps for the shot which cancelled his defeat. After telling how his two troops of horsemen swerved from the cavaliers' first attack, 'much about the middle of our line,' he continues, 'Dundee with his Horse wheeling to our right came upon the battalion of my regiment, by whose fire, according to their own confession, both Dundee, Pitcur, one Ramsay and others were killed at the first onset.'

Earl Balcarras, when lapse of time must have enabled him to obtain particulars, wrote for King James an account which that monarch still accepted after many an eye-witness of the day's events had reached St. Germains.

'When my Lord Dundee saw their cannon taken, the enemy's Horse fled, and his own Horse broken in through Mackay's own regiment, he rode to bring up

[1] Melville to Hamilton, August 8.
[2] *Leven Papers*, July 30.

Sir Donald Macdonald's regiment who had not shown so great resolution as the rest of the Highlanders, and unhappily by the way received a shot in his right side, immediately below his armour. He strove to ride off alive, but was not able, and fell from his horse.'

When proceeding to attaint and confiscate formally the title and estates of their dead enemy, the Parliament of 1690 called before them on oath a lieutenant of Kenmuir's regiment, John Nisbet by name, who had been taken prisoner in the battle. 'When the deponent was prisoner at the Castle of Blair in Athol, after the fight in Killicrankie, several persons came to the room where the deponent was, and said that the Viscount's body was interred. And remembers particularly that one named Johnston told the deponent that he had catched the Viscount as he fell from his horse, after his being shot at the said fight. The Viscount then asking the said Johnston "How the day went?" and that he answered, "The day went well for the King," meaning King James, "but that he was sorry for his Lordship." And that the Viscount replied: "It was the less matter for him, seeing the day went well for his Master."'

'He took his death with much patience,' says Collier; 'and had at it a sufficient confidence ot the Divine Favour; for that being asked by his Favourite Pitcur "How he did?" who told him withal how things went, and "that all was well, if he was so." "Then I am well," said he, and so immediately expired.'

He was buried with his friend Pitcur, who died two days later of wounds received in the battle. Within the old roofless church of Blair, he rests, beneath the eye of heaven, until the day dawn, and shadows disappear.

'His life's work,' says a modern writer, 'has been

long since cast into the limbo of unremembered vanities.'

He championed an hereditary despotism that verily now is with the independence of Thebes, the martial supremacy of Rome, the freedom of the Holy Sepulchre. Yet Epaminondas and Regulus, Godfrey and St. Louis have surely left 'footprints on the sands of time' whence not only forlorn and shipwrecked wanderers, but high-souled and earnest aspirants in all succeeding ages have derived new courage. For absolute and abstract right is discernible with certainty by no human faculties at present developed; and heroism consists not so much in adherence to a cause long successful and esteemed, as in unselfish devotion to one which a man sincerely believes to be righteous, even though his creed be afterwards held erroneous. History has too few examples of it to afford loss of one through misrepresentation.

Were baseless fabrication set aside, and exaggeration reduced within limits proportionable to proved facts, some lesson might be learned from this life-story of a wealthy Laird, free from earliest age of any paternal control, yet disciplined and subordinate at college, a high-born gentleman working his way through the drudgery of every rank in his profession, unostentatiously yet steadily religious in an age that oscillated between fanaticism and profanity, sober and self-restrained in a time of reckless licence, gentle and considerate in his domestic authority while resolutely withstanding public factiousness, faithful alone to his principles when all around compromised them, wise, courtly, accomplished, ardent as flame, steadfast as iron!

He had faults. Ambitious, astute, grasping—all

these he was. Few men could more keenly appreciate the worldly advantages that tempted him in the great crisis of his life. Few men have ever paltered less with temptation, or by supreme effort more absolutely triumphed over it.

Concerning the variations in accounts of Dundee's death, a few remarks may be added. Balhaldy says that Sir William Wallace of Craigie, who, by special commission of King James, that morning superseded Lord Dunfermline in command of the horse, either through his courage failing him or some unknown accident, ordered the troop to wheel about to the left, which not only occasioned a halt but some confusion. Dunfermline and sixteen other gentlemen followed their general, and saw him 'just as he was entering into the smoke, turn his horse towards the right, and raising himself upon his stirrups make signs by waving his hat for the rest to come up.' From the situation of his fatal wound just within the edge of his cuirass on his *left* side they concluded he must have received it at that moment. Lord Macaulay adopted this theory, and imagined the Viscount to have dropped from the saddle as his charger sprang forward into thicker smoke. Against such an inference must be set a further relation by Balhaldy that Lord Dunfermline, after chasing the cavalry off the ground, desired the writer's grandfather, who spoke Gaelic, to summon Highland aid, against Hastings's yet partially steady regiment. 'They adventured to march against Hastings's half battalion. But that of Leven which stood at some distance observing their motion advanced to their assistance. . . . The gentlemen were obliged to retreat, and on their way discovered the body

of their noble General who was just breathing out his last. Observing still some small remains of life they halted about the body to carry it off, but Leven's battalion, advancing in the interim, fired smartly upon them and wounded Mr. Halliburton of Pitcur. . . . When the Earl of Dunfermline, who had then his horse shot under him, and the other gentlemen, had got themselves out of the reach of the enemy's shot, and had poured out a flood of tears on the hearse of their great General, they discovering some Highlanders that had returned from the pursuit, again employed Mr. Drummond to collect as many of them as he could in order to attack these men. . . . They found them possessed of a gentleman's house near the field of battle, from which it was in vain to attempt to dislodge them.'

It is perfectly evident that Dunfermline and the Highlanders collected at his desire were the selfsame party whom Mackay reconnoitred after he had united the remnants of Hastings' and Leven's corps, upon his extreme right. Also that the garden he thought not fit to defend belonged to a 'gentleman's house' which the small party of Highlanders conceived impregnable by them. If this be not Urrard house, built in 1681, it cannot be easily identified. All these transactions apparently took place near the original location of Hastings's regiment, on Mackay's extreme right, and it is naturally to be inferred that Dundee had fallen between the centre and that quarter. Therefore it may be presumed that Sir William Wallace wheeled to the left (Mackay's right) in accordance with previous directions, and that his commander had planned to sweep Mackay's divisions from the field in successive order from north to south, being quite aware that his own

paucity of numbers would necessitate a second effort against the English regiment that came last and outflanked him. At whatever moment Clavers was struck, it is therefore not inconsistent with Balhaldy's story to believe that he did not fall until he had proceeded some distance southward on the road to complete his victory by a second charge. In that hail of bullets from the Dutch centre more than one may have disproved his fancied invulnerability. One of the witnesses for the attainder, Lieutenant James Malcolm of Balbedie, while prisoner at the Castle of Blair, 'saw the late said Viscount of Dundee lying dead of the *wounds* he received that day in the fight.' It is not certain on which side he received the fatal shot; Balcarras says the right, which would naturally be exposed in wheeling to the left; and Balhaldy says the left, which he describes as momentarily turned to the enemy, when glancing backward. The shot which Balcarras admits not to have brought him down instantly, may have been seconded by another from the neighbourhood of Urrard.

Nor is it necessary to censure Macdonald of Sleat, whom Balhaldy sought to exculpate at the cost of Wallace and his cavaliers. Mackay's lineso far outflanked him that he could not be expected to deal with its extremity unaided. Balcarras's casual phrase of detraction was naturally distasteful to Balhaldy, and was very possibly unmerited. The latter protests that the Islemen had already given a good account of that portion of the foe directly in front of them. That they had in one sense been less forward than others consists best with an hypothesis that the Highlanders attacked in échelon, MacLeans starting first and Macdonalds of Sleat coming last in order.

It has been much disputed whether Dundee expired before he was carried from the battle-field. That his corpse was so far abandoned as to have been stripped by plunderers is entirely incompatible with Balhaldy's narrative, and with the discovery in 1794 of cuirass and helmet in company with his bones, when the vault in which he was interred was opened, showing that he was buried in his armour. The sole authority is an anonymous manuscript note in a copy of Balcarras's relation to King James. Living or dead, he was carried to Blair Castle wrapped in two plaids; and Balcarras, alluding to certain papers that had been on his person, remarks that 'those who stript him thought them but of little concern, that they left them lying there.' Mr. Napier justly remarks on this that mere plunderers could in no case have been supposed to concern themselves with papers, but that friends stripping off clothing in order to tend a wound might have taken charge of such had their thoughts been less engrossed. On the other hand the distance from Blair, nearly three miles, renders it hardly likely that the transport of a dying man would have been essayed while the faintest hope remained. Though no one of the contemporary accounts asserts his speedy death in unmistakeable terms, yet neither does any convey the slightest suggestion that he survived removal from the spot where he fell. His supposed dying letter to King James, branded at one time as a modern forgery, has now been traced back to an early copy, the genuineness of which, as a part of Nairn's original St. Germains papers, there seems no reason to doubt; but it is equally difficult to credit its contents on the supposition either of Dundee's authorship or the reverse. Its over-estimate of Mackay's force

at five thousand might be due to a bird's-eye view from the mountain of the twelve hundred baggage horses as indistinguishable from combatants, but that Dundee should exaggerate his own loss to nearly nine hundred is inconceivable. Balhaldy reckons the Highland loss at 'very nearly a third of their number, which did not amount to two thousand men before they engaged.' On the same sheet with the original copy is also a speech supposed to have been addressed by Dundee to his warriors before the battle. Whether he appealed to them in their native tongue or in his own, it is plain that this can be but a paraphrase from memory of words he uttered. To other evidence against the dying letter it must be added that the Master of Stair observes on August 2: 'We hear the Earl of Dunfermline hath subscribed the letters to King James, giving account of their affairs.'

Renewed currency having recently been given to a report that Dundee's remains have been transferred from Blair Church to Old Deer in Aberdeenshire, an authoritative contradiction shall here be inserted. The late Dean Ranken, during whose incumbency a beautiful stained window was erected to Dundee's memory in the chancel of the Episcopal Chapel at Deer, wrote to a correspondent: 'It is a mistake to believe that the hero's remains are buried at Deer, for the fact is clearly enough ascertained that he was buried in the Athol family-vault in the old Church of Blair; but it has unfortunately got into some of the Scottish guidebooks that he was buried here, and I have frequently had occasion to contradict it. I have asked the publishers to exclude the falsehood from future editions.' The Reverend Dean proceeded to detail a trifling incident which gave rise

to the mistake. The Deer Memorial is therefore exclusively of the nature of a cenotaph. Blair Church, where the fiery heart of Clavers actually reposes, has not disappeared, as Lord Macaulay imagined. It is dismantled, but is still used as a burying-place. The stone pillar on the battle-field seen by Captain Burt within half a century of Dundee's death, and for that reason accepted by the great historian as probably in a sense his monument, may have been set up to mark the locality of victory, but cannot be near the spot where the Viscount fell. It is low down on the plain where Mackay first halted and left his baggage, and where perhaps the greatest carnage of his flying troops supervened.

Dundee's infant son died before the close of 1689. His brother David, it is said, died in France, in great obscurity, A.D. 1700.

THE END.

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Part of Epitaph on Viscountess Dundee, afterwards Kilsyth.

(Fulsome but vague description of personal beauty).

Diana, Venus, and the nymphs that we
Have registered in fabulous history
As peerless rarest beauties, and therefore
As goddesses some fools did then adore
Were with her matchless beauty if compared
But under-draught, and lovely pictures marred
And in proportion to this matchless shryne
The gods did make the tenant all divine.
Her nobler part so noble was that she
In it did equalize the Hierarchie
Of Angels; and mankind surpassed so far
As if they nothing did in common share
Her soul the rest of mortalls did outvie
In naturall sharpness and vivacitie
Of judgment and heroick fortitude
Of resolution and of promptitude
To execute each generous designe
As if she'd not the same originel.
And these impulses which Dame Nature gave
She by her industrie did so improve
Unto such transports of fidelite
To her native Prince, as she alone could vie
With her once Consort, the brave Lord Dundie
The valient (hero?*) doth most lively paint
Her rair and more than feminine temperament
And generous peerless magnanimitie

* This word is unintelligible in the original.

Alas! Alas! that she so soon should die!
Ochro! Ochrone! my sighs and tears arrest
My drooping Muse, and fain would weep the rest
She had not touched that meridiane
Of what by Nature's course she might have run
When by that sudden fatall tragedie
Our Amazone, alas! with her brave boy
Lay smothered by dire catastrophe
Her soul was either free or purged from sin
She, like the Spouse, all glorious was within
Decored with all the graces that doe paint
Ane heroine, virago or a saint"

This central epithet is not meant to be uncomplimentary, but signifies a female of masculine talent and energy; fitting helpmate for a Hero.

She is further described as—

"Affable, abstemious and wise
Most humble, and pious without disguise."

And charitable to those "she knew in miserie."

Another effusion signed "John Davidson," depicts the Viscountess as welcomed on the threshold of the next life, by the Spirit of Claverhouse,—a Seraph who exclaims—

"My chief delight!
The object of my care both day and night!"

* * * * * * * *

"I will escort you thro' the plyant aire"
(to realms above).

The modern wellknown picture "Reunion" exactly illustrates this second Elegy.

Both are found in a volume of fugitive pieces collected by Maidment; in the British Museum.

The misrepresentation,—in opposite ways, of Jean Cochrane, the wife of Claverhouse, by two recent Novels,—Ian MacLaren's "Graham of Claverhouse," and Mr. Michael Barrington's "Knight of the Golden Sword," has induced me to append these two original contemporary characters to all copies of the "Despot's Champion" within my reach.

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